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Cases reported and considered
Practice directions and notes
Statutes considered
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Subject index

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Introduction

The Tables and Index 1986 covers all the cases reported in the three volumes of the All England Law Reports for 1986.

The tables and index consists of five sections:

- a table of cases reported and judicially considered; this table lists alphabetically all cases reported in the All England Law Reports in 1986, and in addition it lists all cases of any date which have been reported in the All England Law Reports and the All England Law Reports Reprint and which were judicially considered, ie applied, distinguished, overruled and so on, in cases reported during 1986
- a table of practice directions and notes issued in 1986
- a table of statutes etc judicially considered in 1986
- a table of words and phrases judicially considered in 1986
- a subject index, including a full system of cross-references, of all cases reported in 1986.

The Tables and Index 1986, when used in conjunction with the three volumes of the Consolidated Tables and Index 1936-1981 and the Cumulative Tables and Index 1982-1985, provides a complete index of cases reported in the All England Law Reports from 1936 to the end of 1986, and is issued pending publication early in 1987 of a new Consolidated Tables and Index 1936-1986 which will incorporate in three volumes a complete index to the All England Law Reports from 1936 to 1986 along the same lines as the new style of index to the series introduced in 1977.

The index is separate from the 1986 volumes of the All England Law Reports and should therefore *not* be sent in for binding with the loose parts of the reports.

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December 1986

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Dallal v Bank Mellat [1986] 1 239, QBD

Damon Cia Naviera SA v Hapag-Lloyd International SA [1983] 3 510, QBD
Affirmed [1985] 1 475, CA
Petition for leave to appeal dismissed HL 9 October 1986

Dartmoor Prison Board of Visitors, R v, ex p Smith. *See* R v Dartmoor Prison Board of Visitors, ex p Smith

Datastream International Ltd v Oakeep Ltd [1986] 1 966, ChD
Followed, British Gas Corp v Universities Superannuation Scheme Ltd [1986] 1 978

Davie v New Merton Board Mills Ltd [1959] 1 346, HL
Dicta considered, McDermid v Nash Dredging and Reclamation Co Ltd [1986] 2 676

Davies v Directloans Ltd [1986] 2 783, ChD

Davies v Presbyterian Church of Wales [1986] 1 705, HL

Davis (decd), Re [1967] 1 688, CA
Considered, Re Rapier (decd) [1986] 3 726

Davis Contractors Ltd v Fareham UDC [1955] 1 275, CA
Affirmed on the second point but overruled on the first point [1956] 2 145, HL

Davis Contractors Ltd v Fareham UDC [1986] 3 582, CA
Dicta applied, Notcutt v Universal Equipment Co (London) Ltd [1986] 3 582

Davis (P B J) Manufacturing Co Ltd v Fahn (Fahn claimant) [1967] 2 1274, CA
Applied, Bankers Trust Co v Galadari (Chase Manhattan Bank NA intervening) [1986] 3 794

Davy-Chiesman v Davy-Chiesman [1984] 1 321, CA
Dictum approved, Investors in Industry Commercial Properties Ltd v South Bedfordshire DC (Ellison & Partners (a firm) and ors, third parties) [1986] 1 787

Dawson Line Ltd v AG Adler fur Chemische Industrie of Berlin [1931] 546, CA
Considered, Ben Shipping Co (Pte) Ltd v An Bord Baine [1986] 2 177

Daymond v South West Water Authority (sub nom Daymond v Plymouth City Council) [1975] 3 134, QBD
Affirmed [1976] 1 39, HL
Dictum applied, R v Customs and Excise Comrs, ex p Hedges & Butler Ltd [1986] 2 164

Dean v Prince [1954] 1 749, CA
Applied, Imperial Foods Ltd's Pension Scheme, Re [1986] 2 802

Debtor, Re a (No 66 of 1955), ex p the debtor v Trustee of the property of Waite (a bankrupt) [1956] 3 225, ChD
Considered, Re Charge Card Services Ltd [1986] 3 289

Debtor, A (No 20 of 1953), Re [1954] 1 454, ChD
Reversed [1954] 3 74, CA
Dictum considered, Re Patel (a debtor) [1986] 1 522

Debtor, A (No 757 of 1954), Re, ex p the debtor v F A Dumont Ltd (Petitioning Creditor) [1955] 2 65, CA
Dictum applied, Speed Seal Products Ltd v Paddington [1986] 1 91

Debtor, A (No 2 of 1977), Re, ex p the debtor v Goacher [1979] 1 870, ChD
Considered, Re Patel (a debtor) [1986] 1 522

Deeley's Settlement, Re [1973] 3 1127, ChD
Applied, Re Drummond's Settlement [1986] 3 45

Dennis v Charnwood BC [1982] 3 486, CA
Considered, Investors in Industry Commercial Properties Ltd v South Bedfordshire DC (Ellison & Partners (a firm) and ors, third parties) [1986] 1 787

Dept of Health and Social Security, Linden v. *See* Linden v Dept of Health and Social Security

Derby & Co Ltd v Larsson [1976] 1 401, CA & HL
Considered, Amanuel v Alexandros Shipping Co [1986] 1 278

Derbyshire, The. *See* Colman v Bibby Tankers Ltd

Des Salles d'Epinoux v Kensington and Chelsea Royal Borough [1970] 1 18, QBD
Applied, Ratford v Northavon DC [1986] 3 193

Dewhurst (JH) Ltd, Metrolands Investments Ltd v. *See* Metrolands Investments Ltd v Dewhurst (JH) Ltd

Dews v National Coal Board [1986] 2 769, CA

Diggins, Rahmani v. *See* Rahmani v Diggins

Dip Kaur v Chief Constable for Hampshire [1981] 2 430, QBD
Dictum applied, A-G's Reference (No 1 of 1985) [1986] 2 219

Directloans Ltd, Davies v. *See* Davies v Directloans Ltd

Dodds, Rotherham Metropolitan BC v. *See* Rotherham Metropolitan BC v Dodds

Doe d Cheney v Batten [1775-1802] 595, KB
Distinguished, Cardiothoracic Institute v Shrewdcrest Ltd [1986] 3 633

Donaldson Lufkin & Jenrette Securities Corp, MacKinnon v. *See* MacKinnon v Donaldson Lufkin & Jenrette Securities Corp

Donnelly v Joyce [1973] 3 475, CA
Applied, Housecroft v Burnett [1986] 1 332
Dictum considered, Housecroft v Burnett [1986] 1 332

Dowse v Government of Sweden [1982] 3 1012, QBD
Affirmed [1983] 2 123, HL
Dictum considered, Rees v Secretary of State for the Home Dept [1986] 2 321

Dowson & Mason Ltd v Potter [1986] 2 418, CA

DPP v Ellis [1973] 2 540, QBD
Applied, EMI Records Ltd v Spillane [1986] 2 1016

DPP v Kilbourne [1972] 3 545, CA
Reversed [1973] 1 440, HL
Considered, R v Spencer, R v Smalls [1986] 2 928

Drake v Chief Adjudication Officer [1986] 3 65, CJEC

Drummond's Settlement, Re [1986] 3 45, ChD

DSV Silo- und Verwaltungsgesellschaft mbH v Sennar (owners) [1985] 2 104, HL
Dictum applied, The Speedlink Vanguard and the European Gateway [1986] 3 554

Duffield v Scott [1775-1802] 621, KB
Dictum considered, Ben Shipping Co (Pte) Ltd v An Bord Baine [1986] 2 177

Dutta v Westcott [1986] 3 381, QBD

Dutton v Spink and Beeching (Sales) Ltd [1977] 1 287, CA
Distinguished, Scherer v Counting Instruments (1977) [1986] 2 529

E

E D & F Man (Sugar) Ltd, ex p, R v Intervention Board for Agricultural Produce. *See* R v Intervention Board for Agricultural Produce, ex p E D & F Man (Sugar) Ltd
Ealing London BC, R v, ex p McBain. *See* R v Ealing London BC, ex p McBain
Edkins v Knowles [1973] 2 503, QBD
Distinguished, Blake v Pope [1986] 3 185
Edmunds v Lloyd Italico e L'Ancora Cia di Assicurazioni e Riassicurazioni SpA [1986] 2 249, CA
Edwards, Grant v. *See* Grant v Edwards
Ellis v Deheer [1922] 451, CA
Dictum applied, Nanan v The State [1986] 3 248
EMI Records Ltd v Spillane [1986] 2 1016, ChD
Enfield London BC v McKeon [1986] 2 730, CA
Engineers' and Managers' Association v Advisory, Conciliation and Arbitration Service (No 1) [1979] 3 223, CA
Considered, Abse v Smith [1986] 1 350
Esal (Commodities) Ltd (in liq), R v Registrar of Companies. *See* R v Registrar of Companies, ex p Central Bank of India
Essex Area Health Authority, Wilsher v. *See* Wilsher v Essex Area Health Authority
Essex CC, Rogers v. *See* Rogers v Essex CC
Essex Goodman & Suggitt (a firm), Secretary of State for the Environment v. *See* Secretary of State for the Environment v Essex Goodman & Suggitt (a firm)
European Gateway, The. *See* Speedlink Vanguard, The, and the European Gateway
Evans, Clayhope Properties Ltd v. *See* Clayhope Properties Ltd v Evans
Eves v Eves [1975] 3 768, CA
Applied, Grant v Edwards [1986] 2 426
Eyre v Measday [1986] 1 488, CA
Dictum considered, Thake v Maurice [1986] 1 497

F

F (a minor), ex p, R v Newham Juvenile Court. *See* R v Newham Juvenile Court, ex p F (a minor)
Faccenda Chicken Ltd v Fowler [1985] 1 724, ChD
Affirmed [1986] 1 617, CA
Fairfax (John) & Sons Pty Ltd v De Witt (E C) & Co (Australia) Pty Ltd [1957] 3 410, CA
Overruled, Aiden Shipping Co Ltd v Interbulk Ltd [1986] 2 409
Fargro Ltd v Godfrey [1986] 3 279, ChD
Farmer v Russell [1775-1802] 234, CP
Considered, Thackwell v Barclays Bank plc [1986] 1 676
Fatima, ex p, R v Secretary of State for the Home Dept. *See* Fatima v Secretary of State for the Home Dept
Fatima v Secretary of State for the Home Dept [1984] 1 488, QBD
Affirmed [1984] 2 458, CA
Affirmed [1986] 2 32, HL
Featherstone v Staples [1986] 2 461, CA
Felton v Callis [1968] 3 673, QBD
Applied, Al Nahkel for Contracting and Trading Ltd v Lowe [1986] 1 729
Fenton, Re, ex p Fenton Textile Association Ltd [1930] 15, CA
Considered, Re Charge Card Services Ltd [1986] 3 289
Field v Barkworth [1986] 1 362, ChD
Films Rover International Ltd v Cannon Film Sales Ltd [1986] 3 772, ChD
First National Securities Ltd v Hegerty [1984] 1 139, QBD
Affirmed [1984] 3 641, CA
Distinguished, Harman v Glencross [1986] 1 545
First National Securities Ltd v Jones [1978] 2 221, CA
Followed, TCB Ltd v Gray [1986] 1 587
Fitzgerald v Hall Russell & Co Ltd [1969] 3 1140, HL
Dicta applied, Flack v Kodak Ltd [1986] 2 1003
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Flegg, City of London Building Society v. *See* City of London Building Society v Flegg
Fleming (Inspector of Taxes) v London Produce Co Ltd [1968] 2 975, ChD
Dictum not followed, Baylis (Inspector of Taxes) v Gregory [1986] 1 289
Fletcher v Fletcher [1985] 2 260, Fam D
Approved, Berry v Berry [1986] 2 948
Food Corp of India v Marastro Cia Naviera SA [1986] 3 500, CA
Ford v Falcone [1971] 2 1138, QBD
Applied, Wood v Comrs of Police of Metropolis [1986] 2 570
Ford v Warwickshire CC [1983] 1 753, HL
Dictum explained, Flack v Kodak Ltd [1986] 2 1003
Forestal Mimosa Ltd v Oriental Credit Ltd [1986] 2 400, CA
Forsikringsaktieselskapet Vesta v Butcher [1986] 2 488, QBD
Foster v Foster [1986] 3 45, ChD
Foster v Tyne and Wear CC [1986] 1 567, CA
Fowler v Lanning [1959] 1 290, QBD
Considered, Wilson v Pringle [1986] 2 440
Fowler, Faccenda Chicken Ltd. *See* Faccenda Chicken Ltd Fowler
Fox v Chief Constable of Gwent [1985] 1 230, QBD
Affirmed [1985] 3 392, HL
Dictum applied, [1986] 3 185
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Frankland Prison Board of Visitors, R v, ex p Lewis. *See* R v Frankland Prison Board of Visitors, ex p Lewis
 Frazer, Wiltshire CC v. *See* Wiltshire CC v Frazer
 Freeman & Lockyer (a firm) v Buckhurst Park Properties (Mangal) Ltd [1964] 1 630, CA
 Dictum applied, Armagas Ltd v Mundogas SA [1986] 2 385
 Furniss (Inspector of Taxes) v Dawson [1984] 1 530, HL
 Applied, Sherdley v Sherdley [1986] 2 202
 Considered, Baylis (Inspector of Taxes) v Gregory [1986] 1 289

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Galadari, Bankers Trust Co v (Chase Manhattan Bank NA intervening). *See* Bankers Trust Co v (Chase Manhattan Bank NA intervening) Galadari
 Gallant, Goodman v. *See* Goodman v Gallant
 Gallon, Coldunell Ltd v. *See* Coldunell Ltd v Gallon
 Gammon (Hong Kong) Ltd v A-G of Hong Kong [1984] 2 503, PC
 Dictum applied, R v Wells Street Metropolitan Stipendiary Magistrate, ex p Westminster City Council [1986] 3 4
 Garmanson Ltd, Mancetter Developments Ltd v. *See* Mancetter Developments Ltd v Garmanson Ltd
 Garner, R v. *See* R v Garner
 Geismar v Sun Alliance and London Insurance Ltd [1977] 3 570, QBD
 Applied, Thackwell v Barclays Bank Ltd [1986] 1 676
 General Tire and Rubber Co v Firestone Tyre and Rubber Co Ltd [1975] 2 173, HL
 Applied, Sevcon Ltd v Lucas CAV Ltd [1986] 2 104
 Dictum applied, Dowson & Mason Ltd v Potter [1986] 2 418
 Gerson Berger Association Ltd, Rabin v. *See* Rabin v Gerson Berger Association Ltd
 Gibbs and Houlder Bros & Co Ltd's Lease, Re [1925] 128, CA
 Considered, International Drilling Fluids Ltd v Louisville Investments (Uxbridge) Ltd [1986] 1 321
 Giles (C H) & Co Ltd v Morris [1972] 1 960, ChD
 Dictum considered, Posner v Scott-Lewis [1986] 3 513
 Gissing v Gissing [1969] 1 1043, CA
 Reversed [1970] 2 780, HL
 Applied, Grant v Edwards [1986] 2 426
 Dictum followed, Goodman v Gallant [1986] 1 311
 Glencross, Harman v. *See* Harman v Glencross
 Gnieszno, The [1967] 2 738, Adm
 Considered, Abu Dhabi Helicopters Ltd v International Aeradio plc [1986] 1 395
 Goddard v Nationwide Building Society [1986] 3 264, CA
 Godfrey, Fargo Ltd v. *See* Fargo Ltd v Godfrey
 Godfrey (Inspector of Taxes), Hamblett v. *See* Hamblett v Godfrey (Inspector of Taxes)
 Goldsmith v Sperrings Ltd [1977] 2 566, CA
 Dicta applied, Speed Seal Products Ltd v Paddington [1986] 1 91
 Gomba Holdings UK Ltd v Homan [1986] 3 94, ChD
 Goodman v Gallant [1986] 1 311, CA
 Goring, The [1986] 1 475, QBD
 Gouriet v Union of Post Office Workers [1977] 1 696, CA
 Reversed [1977] 3 70, HL
 Considered, Runnymede BC v Ball [1986] 1 629
 Government of the Federal Republic of Germany v Sotiriadis [1974] 1 504, QBD
 Reversed [1974] 1 692, HL
 Dictum considered, Rees v Secretary of State for the Home Dept [1986] 2 321
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 Grant v Edwards [1986] 2 426, CA
 Gray v Barr (Prudential Assurance Co Ltd, third party) [1970] 2 702, QBD
 Affirmed [1971] 2 949, CA
 Applied, Meah v McCreamer (N- 2) [1986] 1 943
 Gray, TCB Ltd v. *See* TCB Ltd v Gray
 Greater London Coroner, R v, ex p Ridley. *See* R v Greater London Coroner, ex p Ridley
 Greater London Council v Holmes [1984] 2 743, QBD
 Reversed [1986] 1 739, CA
 Greater London Council, Westminster City Council v. *See* Westminster City Council v Greater London Council
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 Distinguished, Attfield v D J Plant Hire and General Contractors Co Ltd [1986] 3 273
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 Gunning v Mirror Group Newspapers Ltd [1986] 1 385, CA
 GUR Corp v Trust Bank of Africa Ltd (Government of the Republic of Ciskei, third party) [1986] 3 449, QBD & CA
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 Gyton v Palmour [1944] 2 540, KBD
 Considered, Ratford v Northavon DC [1986] 3 193

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H, Re [1986] 2 629, HL
 Hailbury Investments Ltd v Westminster City Council [1986] 3 440, HL
 Halesowen Presswork and Assemblies Ltd v National Westminster Bank Ltd [1970] 1 33, QBD
 Reversed [1970] 3 473, CA
 Reversed [1972] 1 641, HL
 Dictum applied, Re Charge Card Services Ltd [1986] 3 289
 Hall v Cotton [1986] 3 332, QBD
 Hallstrom, R v, ex p W (No 2). *See* R v Hallstrom ex p W (No 2)

Halvanon Insurance Co Ltd, Phoenix General Insurance Co of Greece SA v. *See* Phoenix General Insurance Co of Greece SA v Halvanon Insurance Co Ltd

Hamblett v Godfrey (Inspector of Taxes) [1986] 2 513, ChD

Hamlyn & Co v Talisker Distillery [1891-4] 849, HL

Dictum applied, Forsikringsaktieselskapet Vesta v Butcher [1986] 2 488

Hammond-Lawrence, Thomas v. *See* Thomas v Hammond-Lawrence

Hancock, R v. *See* R v Hancock

Hankey v Clavering [1942] 2 311, CA

Applied, R v Inner London Education Authority, ex p Westminster City Council [1986] 1 19

Harman v Glencross [1984] 2 577, FamD

Affirmed [1986] 1 545, CA

Harmony and Montague Tin and Copper Mining Co Ltd, Re, Spargo's Case [1861-73] 261, CA

Dictum considered Re L B Holliday & Co Ltd [1986] 2 367

Harris v James [1874-80] 1142, QBD

Dicta applied, Tetley v Chitty [1986] 1 663

Hart, ex p, R v Plymouth Justices. *See* R v Plymouth Justices, ex p Hart

Hart DC, Hodgson v. *See* Hodgson v Hart DC

Hastings (a bankrupt), Re [1985] 1 885, DC

Applied, James v Amsterdam-Rotterdam Bank NV [1986] 3 179

Haughton v Olau Line (UK) Ltd [1986] 2 47, CA

Heaseman v Jordan (Inspector of Taxes) [1954] 3 101, ChD

Applied, Board of Inland Revenue v Suite [1986] 2 577

Heather (Inspector of Taxes) v P-E Consulting Group Ltd [1972] 2 107, ChD

Affirmed [1973] 1 8, CA

Followed, Jeffs (Inspector of Taxes) v Ringtons Ltd [1986] 1 144

Heaven v Road and Rail Wagons Ltd [1965] 2 409, QBD

Applied, Wilkinson v Ancliff (BLT) Ltd [1986] 3 427

Dicta applied, Austin Rover Group Ltd v Crouch Butler Savage Associates (a firm) [1986] 3 50

Hedges & Butler Ltd, ex p, R v Customs and Excise Comrs. *See* R v Customs and Excise Comrs, ex p Hedges & Butler Ltd

Hehir v Comr of Police of the Metropolis [1982] 2 335, CA

Considered, Peach v Comr of Police of the Metropolis [1986] 2 129

Henderson v Henderson [1843-60] 378, V-C Ct

Applied, Dallal v Bank Mellat [1986] 1 239

Herbage, ex p, R v Secretary of State for the Home Dept. *See* R v Secretary of State for the Home Dept, ex p Herbage

Hewitt v Lewis [1986] 1 927, CA

Hill v Anderton [1981] 3 72, QBD

Affirmed [1982] 2 963, HL

Considered, Schiavo v Anderton [1986] 3 10

Hillingdon London BC, ex p, R v Secretary of State for the Environment. *See* R v Secretary of State for the Environment, ex p Hillingdon London BC

Hillingdon London BC, R v, ex p Puhlhofer. *See* Puhlhofer v Hillingdon London BC

Hines v Birkbeck College [1985] 3 156, ChD

Disapproved, Thomas v University of Bradford [1986] 1 217

Hochstrasser (Inspector of Taxes) v Mayes [1959] 3 817, HL

Distinguished, Hamblett v Godfrey (Inspector of Taxes) [1986] 2 513

Hodgson v Hart DC [1986] 1 400, CA

Holden v Chief Constable of Lancashire [1986] 3 836, CA

Holden, Masterson v. *See* Masterson v Holden

Holliday (a bankrupt), Re, ex p the trustee of the bankrupt v The bankrupt [1980] 3 385, CA

Considered, Harman v Glencross [1986] 1 545

Holliday (L B) & Co Ltd, Re [1986] 2 367, ChD

Homan, Gomba Holdings UK Ltd v. *See* Gomba Holdings UK Ltd v Homan

Home Office v Dorset Yacht Co (sub nom Dorset Yacht Co Ltd v Home Office) [1969] 2 564, CA

Affirmed [1970] 2 294, HL

Applied, Paterson Zochonis & Co Ltd v Merfarken Packaging Ltd [1986] 3 522

Home Office v Harman [1981] 2 349, QBD & CA

Affirmed [1982] 1 532, HL

Applied, EMI Records Ltd v Spillane [1986] 2 1016

Horseferry Road Magistrates' Court, R v, Independent Broadcasting Authority. *See* R v Horseferry Road Magistrates' Court, ex p Independent Broadcasting Authority

Housecroft v Burnett [1986] 1 332, CA

Howe, R v. *See* R v Howe

Howson v Buxton [1928] 434, CA

Considered, Featherstone v Staples [1986] 2 461

Huddleston, ex p, R v Lancashire CC. *See* R v Lancashire CC, ex p Huddleston

Hughes v McConnell [1986] 1 268, QBD

Hunt, R v. *See* R v Hunt

Hussain v Hussain [1986] 1 961, CA

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Immigration Appeal Tribunal, Singh v. *See* Singh v Immigration Appeal Tribunal

Imperial Foods Ltd's Pension Scheme, Re [1986] 2 802, ChD

Independent Broadcasting Authority, ex p, R v Horseferry Road Magistrates' Court. *See* R v Horseferry Road Magistrates' Court, ex p Independent Broadcasting Authority

Inner London Education Authority, R v, ex p Westminster City Council. *See* R v Inner London Education Authority, ex p Westminster City Council

Inspector of Taxes, R v, ex p Kissane. *See* R v Inspector of Taxes, ex p Kissane

Interbulk Ltd, Aiden Shipping Co Ltd v. *See* Aiden Shipping Co Ltd v Interbulk Ltd

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 Investors in Industry Commercial Properties Ltd v Norwich City Council [1985] 3 257, CA
 Affirmed [1986] 2 193, HL
 Investors in Industry Commercial Properties Ltd v South Bedfordshire DC (Ellison & Partners (a firm) and ors, third parties) [1986] 1 787, CA
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 IRC, R v, ex p Opman International UK. *See* R v IRC, ex p Opman International UK

J

J (a minor)(adoption order : conditions), Re [1973] 2 410, FamD
 Considered, Re V (a minor)(adoption : consent) [1986] 1 752
 Jack Chia-MPH Ltd, Malayan Credit Ltd v. *See* Malayan Credit Ltd v Jack Chia-MPH Ltd
 Jag Shakti, The. *See* Chabbra Corp Pte Ltd v Jag Shakti (owners)
 Jag Shakti (owners), Chabbra Corp Pte Ltd v. *See* Chabbra Corp Pte Ltd v Jag Shakti (owners)
 James v Amsterdam-Rotterdam Bank NV [1986] 3 179, ChD
 James v Hall [1972] 2 59, QBD
 Considered, Chatters v Burke [1986] 3 168
 Jeffs (Inspector of Taxes) v Ringtons Ltd [1986] 1 144, ChD
 Jerrom, F C Shepherd & Co Ltd v. *See* F C Shepherd & Co Ltd v Jerrom
 Johnson v Moreton [1978] 3 37, HL
 Applied, Featherstone v Staples [1986] 2 461
 Johnston v Chief Constable of the Royal Ulster Constabulary [1986] 3 135, CJEC
 Johnston v Duke of Westminster [1986] 2 613, HL
 Jones v Jones [1983] 1 1037, QBD
 Varied [1984] 3 1003, CA
 Distinguished, Meah v McCremer (No 2) [1986] 1 943
 Jones v McKie and Mersey Docks and Harbour Board [1964] 2 842, CA
 Dictum applied, Scherer v Counting Instruments Ltd (1977) [1986] 2 529
 Junior Books Ltd v Veitchi Co Ltd [1982] 3 201, HL
 Dictum considered, Leigh & Silavan Ltd v Aliakmon Shipping Co Ltd [1986] 2 145

K

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 Kennaway v Thompson [1980] 3 329, CA
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 Kerr v Morris [1986] 3 217, CA
 Keys v Boulter (No 2) [1972] 2 303, ChD
 Distinguished, Burnley Nelson Rossendale and District Textile Workers' Union v Amalgamated Textile Workers' Union [1986] 1 885
 Khashoggi v IPC Magazines Ltd [1986] 3 577, CA
 Khawaja v Secretary of State for the Home Dept [1982] 2 523, CA
 Affirmed [1983] 1 765, HL
 Applied, R v Secretary of State for the Home Dept, ex p Bugdaycay [1986] 1 458
 Distinguished, R v Secretary of State for the Home Dept, ex p Bugdaycay [1986] 1 458
 King v Liverpool City Council [1986] 3 544, CA
 Kingsnorth Trust Ltd v Bell [1986] 1 423, CA
 Distinguished, Coldunell Ltd v Gallon [1986] 1 429
 Kingsnorth Trust Ltd v Tizard [1986] 2 54, ChD
 Kissane, ex p, R v Inspector of Taxes. *See* R v Inspector of Taxes, ex p Kissane
 Kitching, Olgeirsson v. *See* Olgeirsson v Kitching
 Knibb v National Coal Board [1986] 3 644, CA
 Knight v Clifton [1971] 2 378, CA
 Dictum applied, Scherer v Counting Instruments Ltd (1977) [1986] 2 529
 Knocker v Youle [1986] 2 914, Ch D
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 Krogh, Royal Bank of Canada (London) Ltd v. *See* Collens (decd), Re

L

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 Applied, Schofield v Church Army [1986] 3 715
 Laker Airways Ltd, Midland Bank plc v. *See* Midland Bank plc v Laker Airways Ltd
 Lamb v Camden London BC [1981] 2 408, CA
 Considered, King v Liverpool City Council [1986] 3 544
 Dictum applied, Meah v McCremer (No 2) [1986] 1 943
 Lancashire CC, R v, ex p Huddleston. *See* R v Lancashire CC, ex p Huddleston

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Leake (formerly Bruzzi) v Bruzzi [1974] 2 1196, CA
Followed, Goodman v Gallant [1986] 1 311

Lee-Verhulst (Investments) Ltd v Harwood Trust [1972] 3 619, CA
Considered, Linden v Dept of Health and Social Security [1986] 1 691

Leek & Moorlands Building Society v Clark [1952] 2 492, CA
Applied, Featherstone v Staples [1986] 2 461

Leigh & Sillavan Ltd v Aliakmon Shipping Co Ltd [1985] 2 44, CA
Affirmed [1986] 2 145, HL

Letang v Cooper [1964] 1 669, QBD
Reversed [1964] 2 929, CA
Considered, Wilson v Pringle [1986] 2 440

Lewis, ex p, R v Frankland Prison Board of Visitors. *See* R v Frankland Prison Board of Visitors, ex p Lewis

Lewis, Hewitt v. *See* Hewitt v Lewis

Lim Poh Choo v Camden and Islington Area Health Authority [1979] 1 332, QBD & CA
Varied [1979] 2 910, HL
Dictum applied, Housecroft v Burnett [1986] 1 332

Linden v Dept of Health and Social Security [1986] 1 691, ChD

Linnett v Coles [1986] 3 652, CA

Littaur v Steggles Palmer (a firm) [1986] 1 780, CA

Liu Chong Hing Bank Ltd, Tai Hing Cotton Mill Ltd v (No 2). *See* Tai Hing Cotton Mill Ltd v Liu Chong Hing Bank Ltd (No 2)

Liverpool City Council v Irwin [1975] 3 658, CA
Affirmed in part [1976] 2 39, HL
Dictum applied, Sim v Rotherham Metropolitan BC [1986] 3 387

Liverpool City Council, King v. *See* King v Liverpool City Council

Liverpool City Council, Palatine Graphic Arts Co Ltd v. *See* Palatine Graphic Arts Co Ltd v Liverpool City Council

Livesey (formerly Jenkins) v Jenkins [1985] 1 106, HL
Considered, Bardler v Bardler [1986] 2 918

Ljungberg (Karl) & Co AB, Netherlands Insurance Co Est 1845 Ltd v. *See* Netherlands Insurance Co Est 1845 Ltd v Ljungberg (Karl) & Co AB

Lloyd v Grace Smith & Co [1911-13] 51, HL
Applied, Armagas Ltd v Mundogas SA [1986] 2 385

Lloyd v Sadler [1978] 2 529, CA
Considered, Featherstone v Staples [1986] 2 461

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Tenancy. *See* **Landlord and tenant** (Business premises).

Transfer of—

Continuity of employment. *See* **Employment** (Continuity—Transfer of trade, business or undertaking).

CAPITAL GAINS TAX

Assessment—

Mistake, defect or omission not invalidating assessment—

Year wrongly stated in assessment—Taxpayer not misled—Whether error could be corrected—Taxes Management Act 1970, s 114(1). **Baylis (Inspector of Taxes) v Gregory** [1986] 1 289, ChD.

Vacation—

Unilateral vacating of assessment by Revenue—Year wrongly stated in assessment—When mistake discovered assessment for correct year impossible—Whether unilateral vacating of assessment possible. **Baylis (Inspector of Taxes) v Gregory** [1986] 1 289, ChD.

Tax avoidance scheme—

Composite transaction—

Preordained series of transactions—Sale of company—Share exchange with Isle of Man company undertaken by shareholders to avoid capital gains tax—Prospective purchaser ending negotiations—Third party purchasing shares from Isle of Man company two years later—Whether preordained series of transactions. **Baylis (Inspector of Taxes) v Gregory** [1986] 1 289, ChD.

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Insurance. *See* **Motor insurance**.

CARAVAN SITE

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Enforcement of planning control—

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CARRIAGE BY AIR

Carriage of goods—

International carriage—

Limitation of carrier's liability—Interest on damages—Warsaw-Hague Convention limiting carrier's liability—Whether interest can be awarded on damages limited by convention—Carriage by Air Act 1961, Sch 1, art 22(2)(a). **Swiss Bank Corp v Brink's - MAT Ltd** [1986] 2 188, QBD.

Damage to baggage or cargo—

Limitation of liability—

Interest on damages. *See* **Carriage of goods—International carriage—Limitation of carrier's liability—Interest on damage, ante**.

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CHARITY

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Education and welfare—

Gift for education and welfare of Bahamian children and young people—Whether gift to be construed conjunctively or disjunctively—Whether education and welfare separate objects—Whether gift charitable. **A-G of the Bahamas v Royal Trust Co** [1986] 3 423, PC.

Proceedings—

Parties—

Subscriber to charity—Hospital—Constitution of charitable hospital providing for donors to be governors of and to participate in running of charity—Board of governors proposing sale of hospital—Plaintiff governor opposing sale—Plaintiff seeking injunction against board of governors—Whether rights acquired by donors giving rise to contractual rights and obligations between subscribers to the charity—Whether proceedings 'charity proceedings'—Whether Attorney General a necessary party to proceedings—Charities Act 1960, s 28. **Brooks v Richardson** [1986] 1 952, ChD.

CHARTERPARTY

Generally. *See* **Shipping** (Charterparty).

CHattel

Sale of chattel—

Ecclesiastical law. *See* **Ecclesiastical law** (Faculty—Sale of chattel).

CHATTEL (cont)

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Ecclesiastical courts—

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CHEAT

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CHEQUE

Bank's position. *See* **Bank** (Cheque).

Generally. *See* **Bill of exchange** (Cheque).

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Adoption. *See* **Adoption** (Access).

Putative father—

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Adoption. *See* **Adoption**.

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Local authority—

Access by putative father. *See* **Welfare**—Child in care of local authority—Access by putative father, *post*.

Wardship proceedings—Secure accommodation—Applications for secure accommodation—Representation of child—Guardian ad litem—Joining of ward as party to proceedings—Child Care Act 1980, s 21A(6)—Secure Accommodation (No 2)(Amendment) Regulations 1986. *Practice Direction* [1986] 3 320, FamD.

Education—

Generally. *See* **Education**.

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Paternity—

Affiliation proceedings. *See* **Affiliation**.

Practice—

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Family Division. *See* **Practice** (Family Division—Divisional Court—Appeal to Divisional Court—Child).

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Welfare—

Child in care of local authority—

Access by putative father—Right of putative father to access—Order regarding right of access to child—Jurisdiction to make order—Illegitimate child—Application by putative father to court for access—Whether court having jurisdiction to entertain application—Guardianship of Minors Act 1971, ss 9(1)(b), 14(1). *R v Oxford Justices, ex p D* [1986] 3 129, QBD.

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Generally. *See* **Ecclesiastical law**.

Minister—

Dismissal—

Complaint of unfair dismissal—Whether agreement between minister and church a contract of service. *See* **Employment** (Contract of service—Incidents of contract—Minister of religion).

COAL MINING

Subsidence—

Compensation for subsidence damage—

Determination of disputes—Interest—Whether Lands Tribunal having jurisdiction to award interest on award of damages—Law Reform (Miscellaneous Provisions) Act 1934, s 3—Coal-Mining (Subsidence) Act 1957, s 13(3). *Knibb v National Coal Board* [1986] 3 644, CA.

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Court of formal investigation—

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Generally. *See* **Contempt of court** (Committal).

Fugitive offender. *See* **Extradition** (Committal).

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Supervisory jurisdiction of Divisional Court. *See* **Divisional Court** (Jurisdiction—Supervisory jurisdiction—Committal proceedings).

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Sums received by broker on behalf of client trading in commodities futures—Client incurring substantial losses—Broker claiming reimbursement of losses incurred on client's behalf—Whether broker claiming for reimbursement of losses incurred or for repayment of deposit made by client. *SCF Finance Co Ltd v Masri (No 2)* [1986] 1 40, QBD.

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COMPANY

Charge—

Floating charge—

Crystallisation—Debenture providing that debenture holder could serve notice converting floating charge into fixed charge—Debenture holder giving notice—Whether notice effectively converting floating charge into fixed charge—Whether debenture holder having priority over preferential creditors—Companies Act 1985, s 614(2)(b). **Re Brightlife Ltd** [1986] 3, ChD.

Registration—

Certificate of registration—Judicial review of decision to register charge—Original application for registration defective—Revised application submitted one month later—Second application accepted and charge registered with effect from date of original application—Whether judicial review lying to challenge registrar's decision to register charge—Whether registration conclusive once certificate issued—Whether unsecured creditor having standing to challenge registration—Companies Act 1948, ss 95(1), 98(2)—Tribunals and Inquiries Act 1971, s 14(1)—Companies (Forms) Regulations 1983, Form 47. **R v Registrar of Companies, ex p Central Bank of India** [1986] 1 105, CA.

Charge on book debts—Factoring agreement—Company factoring debts to factor company—Factoring company entitled to retain such amount as it determined as security for claims, non-payment by debtors and over-payments made to company—Whether right of retention a right of set-off or account—Whether right of retention a charge on book debts created by the company—Whether right of retention void for non-registration or as an attempt to contract out of rules of distribution—Bankruptcy Act 1914, s 31—Companies Act 1948, s 95(1). **Re Charge Card Services Ltd** [1986] 3 289, ChD.

Cheque—

Signature. See **Bill of exchange** (Cheque—Company cheque—Signature).

Compulsory winding up—

Advertisement of petition—

Practice—Copy of advertisement to be lodged with court—Companies (Winding-up) Rules 1949, r 33. **Practice Direction** [1986] 1 704, Companies Ct.

Procedure—

Hearing of petitions—Unopposed petitions and related applications to be heard by registrar—Other petitions to be heard by judge—Companies Act 1985, s 522. **Practice Direction** [1986] 3 672, Companies Ct.

Contributories—

Liability—

Winding up of company.

Dealing with company—

Person dealing with company in good faith—

Power of directors to bind company deemed to be free of limitations—Person dealing with company in good faith not bound to inquire into company's capacity—Debenture by company signed on behalf of director by non-director under power of attorney—No power in articles of association for director to delegate power to execute company documents—Whether debenture valid—Whether good faith presumed on the part of person claiming under debenture—Whether person claiming under debenture bound to make inquiries into limitations on director's powers or company's capacity—European Communities Act 1972, s 9(1). **TCB Ltd v Gray** [1986] 1 587, ChD.

Debenture—

Demand made under debenture—

Money payable on demand—Whether notice demanding repayment required to specify amount due—Whether debtor company entitled to reasonable time to repay amount owing. **Bank of Baroda v Panessar** [1986] 3 751, ChD.

Receiver—

Rates—Liability for rates of receiver appointed under debenture. See **Rates** (Rateable occupation—Occupation by receiver).

Director—

Company cheque—

Signature. See **Bill of exchange** (Cheque—Company cheque—Signature).

Floating charge. See **Charge**—Floating charge, *ante*.

Liquidator—

Disqualification. See **Management**—Disqualification, *post*.

Voluntary winding up. See **Voluntary winding up**—Liquidator, *post*.

Management—

Disqualification—

Disqualification for persistent default under Companies Act—Persistent default in rendering returns to registrar—Persistent default—Persistent—Exercise of court's discretion—Matters to be taken into account—Whether culpability an element of persistent default—Whether Secretary of State's evidence drawing attention to other defaults admissible—Companies Act 1948, s 188. **Re Arctic Engineering Ltd (No 2)** [1986] 2 346, ChD.

Member—

Unfair prejudice to member's interests—

Relief—Purchase of shares of prejudiced member—Jurisdiction to grant relief—Whether jurisdiction to grant relief against ex-shareholder—Whether ex-shareholder properly joined as party to petition for relief—Whether ex-shareholder can be ordered to purchase shares—Companies Act 1985, ss 459, 461. **Re a company** [1986] 2 253, ChD.

Minority shareholder—

Action by minority shareholder—

Costs—Indemnity—Action brought in order to redress wrongs against company committed by majority shareholder—Action brought without company's authority—Minority shareholder obtaining ex parte order as to costs—Circumstances in which minority shareholder entitled to indemnity against company in respect of costs—Whether order for costs should be made ex parte. **Smith v Croft** [1986] 2 561, ChD.

Whether minority shareholder can bring action if company in liquidation. **Fargo Ltd v Godfroy** [1986] 3 279, ChD.

COMPANY (cont)

Pension—

Pension scheme—

Generally. *See* **Pension** (Pension scheme—Company pension scheme).

Receiver—

Disqualification. *See* **Management**—Disqualification, *ante*.

Duty—

Duty to company—Duty to provide information to debtor company—Company's right to information dependent on whether information necessary to enable directors to exercise powers or perform duties—Company's right to information subordinate to receiver's responsibility to debenture holder—Extent of receiver's duty to provide information to company—Companies Act 1985, ss 497(1), 499(1). **Gomba Holdings UK Ltd v Homan** [1986] 3 94, ChD.

Rates—

Liability for rates of receiver appointed under debenture. *See* **Rates** (Rateable occupation—Occupation by receiver).

Remuneration—

Power of court to fix remuneration on application of liquidator—Receiver appointed under debenture to protect interests of debenture holder—Compulsory winding up—Liquidator challenging receiver's right to remuneration and disbursements—Whether debenture holder entitled to appoint receiver to protect assets—Whether court having jurisdiction to interfere with receiver's remuneration—Whether court having jurisdiction to interfere with receiver's right to be indemnified for disbursements—Companies Act 1948, s 371. **Re Potters Oils Ltd (No 2)** [1986] 1 890, ChD.

Registrar of Companies—

Judicial review of decision of registrar—

Availability of remedy. *See* **Judicial review** (Availability of remedy—Companies registrar).

Shareholder—

Minority shareholder—

Generally. *See* **Minority shareholder**, *ante*.

Generally. *See* **Minority shareholder**, *ante*.

Shares—

Class of shares—

Rights attaching to class of shares—Rights conferred by articles of association—Plaintiff obtaining shares in company—Articles of association altered to confer rights on plaintiff—Whether rights so conferred class rights—Whether plaintiff's rights attached to a class of shares—Whether rights alterable without consent of plaintiff—Companies Act 1985, s 125. **Cumbrian Newspapers Group Ltd v Cumberland and Westmorland Herald Newspaper and Printing Co Ltd** [1986] 2 816, ChD.

Valuation—

Private company having no assets but high returns—Valuation of company on basis of capitalised sum representing future profits—Whether allowance to be made for risk in calculating future profits and price/earnings rate—Method of making allowance for risk. **Buckingham v Francis** [1986] 2 738, QBD.

Take-over bid—

Reference to Monopolies and Mergers Commission. *See* **Monopolies and mergers**.

Unfair prejudice to members. *See* **Member**—Unfair prejudice to member's interests, *ante*.

Voluntary winding up—

Liquidator—

Power—Power to bring minority shareholder's action in name of company. **Fargo Ltd v Godfrey** [1986] 3 279, ChD.

Winding up—

Compulsory winding up. *See* **Compulsory winding up**, *ante*.

Contributories—

Sum due to member in his character as such—Dividends declared by subsidiary company in favour of holding company but not paid—Subsidiary company going into creditors' voluntary winding up—Holding company claiming sums due on ground that unpaid dividends were to be treated as loan—Whether moneys due to holding company in its character as a member—Whether unpaid dividends subject to agreement express or implied between subsidiary company and holding company to create a loan—Whether holding company to be treated as being in same position as if dividends had in fact been paid and lent back to company—Companies Act 1948, s 212(1) (g). **Re L B Holding & Co Ltd** [1986] 2 367, ChD.

Liquidator—

Powers—Voluntary winding up. *See* **Voluntary winding up**—Liquidator—Power, *ante*.

Voluntary winding up. *See* **Voluntary winding up**, *ante*.

COMPENSATION

Coal mining—

Subsidence damage. *See* **Coal mining** (Subsidence—Compensation for subsidence damage).

Compulsory purchase—

Generally. *See* **Compulsory purchase** (Compensation).

Criminal injuries—

Criminal act—

Immunity of offender—Immunity at law of offender to be left out of account in determining whether act a criminal act—Immunity at law attributable to youth, insanity 'or other condition'—Whether 'immunity at law' referring to immunity from prosecution or immunity from conviction—Whether victim can claim compensation even though perpetrator of crime successfully negatives mens rea—Whether 'other condition' includes lack of mental capacity due to old age—Compensation for Victims of Crimes of Violence Scheme 1964 (1969 revision), para 5—Criminal Injuries Compensation Scheme (1979 revision), para 4(a). **R v Criminal Injuries Compensation Board**, ex p **Warner** [1986] 2 478, CA.

COMPENSATION (cont)

Criminal injuries (cont)—

Entitlement to compensation—

Personal injury directly attributable the crime of violence—Crime of violence—Person committing suicide by jumping under train—Train driver suffering shock, anxiety and depression—Whether suicide a crime of violence—Whether offence of endangering safety of persons being conveyed on railway a crime of violence—Offences against the Person Act 1861, s 34—Compensation for Victims of Crimes of Violence Scheme 1964 (1969 revision), para 5—Criminal Injuries Compensation Scheme (1979 revision), para 4(a). **R v Criminal Injuries Compensation Board**, ex p **Warner** [1986] 2 478, CA.

Displacement from land—

Home loss payment—

Displacement from dwelling—Land acquired by local authority and held by local authority for purpose for which it was acquired—Displacement of person from dwelling on land in consequence of carrying out of redevelopment on the land—Redevelopment—Land acquired by local authority for development by erecting local authority housing—Local authority subsequently selling land to developer for development by erecting private housing—Sale necessitating clearance of land and displacement of occupier from dwelling on land—Whether occupier entitled to home loss payment—Whether displacement in consequence of 'redevelopment of land' by local authority—Whether at time of displacement local authority holding land for 'purposes' for which it was acquired—Land Compensation Act 1973, s 29(1)(c). **Greater London Council v Holmes** [1986] 1 739, CA.

Subsidence damage—

Coal mining. *See* **Coal mining** (Subsidence—Compensation for subsidence damage).

COMPETITION

Trade—

European Economic Community—

Rules. *See* **European Economic Community** (Rules on competition).

COMPULSORY PURCHASE

Compensation—

Assessment—

Compensation for disturbance—Regional development grant—Claimants' site acquired for redevelopment by local authority—Claimants acquiring new premises in development area in order to obtain regional development grant—Whether compensation to be reduced by amount of such grant—Land Compensation Act 1961, s 5. **Palatine Graphic Arts Co Ltd v Liverpool City Council** [1986] 1 366, CA.

Disturbance—

Assessment of compensation. *See* **Compensation—Assessment—Compensation for disturbance, ante**.

COMPULSORY WINDING UP

Company. *See* **Company** (Compulsory winding up).

CONFESSION

Criminal proceedings—

Admissibility. *See* **Criminal evidence** (Admissions and confessions).

CONFIDENTIAL INFORMATION

Breach of confidence. *See* **Equity** (Breach of confidence).

Duty of servant. *See* **Employment** (Duty of servant—Confidential information).

CONFLICT OF LAWS

Contract—

Proper law of contract—

Insurance and reinsurance policies—Reinsurance policy expressed to be subject to same terms and conditions as original insurance—Original insurance governed by Norwegian law—Reinsurance policy made in England—Whether contract governed by single proper law—Whether proper law of reinsurance contract was English law subject to relevant clauses being construed in accordance with Norwegian law. **Forsikringsaktieselskapet Vesta v Butcher** [1986] 2 488, QBD.

Foreign arbitration award—

Recognition by English courts—

Competence of tribunal making award—Conclusiveness of award in English proceedings—Recognition of award as conclusive between the parties in proceedings founded on same cause of action—Tribunal established by states of which parties to arbitration respectively nationals—Legal proceedings in United States courts between United States citizens and Iranian enterprises terminated—Tribunal set up by international agreement between Iran and United States to settle outstanding claims—United States citizen bringing claim before tribunal—Tribunal dismissing claim—United States citizen bringing action in England—Whether action an abuse of process of English court—Whether English courts bound to recognise tribunal as court of competent jurisdiction. **Dallal v Bank Mellat** [1986] 1 239, QBD.

Foreign government—

Recognition—

Locus standi to sue and be sued in English court—Republic of South Africa granting independence to dependent territory of Ciskei—British government not according recognition de jure or de facto to Ciskei—British government taking no formal position regarding exercise of government authority over Ciskei—British government having dealings with South Africa in respect of Ciskei—Defendants in action in England issuing third party proceedings against Ciskei government—Whether Ciskei government having locus standi to take part in proceedings. **GUR Corp v Trust Bank of Africa Ltd (Government of the Republic of Ciskei, third party)** [1986] 3 449, CA.

CONFLICT OF LAWS (cont)

Foreign law—

Enforcement—

Foreign confiscatory law—Spanish state expropriating defendant's shares in Spanish company—Spanish company commencing action in England against defendant in relation to English company previously controlled by defendant—Whether action attempting indirectly to enforce Spanish penal law—Whether effect of expropriatory law already achieved in Spain so that object of action was not to enforce Spanish law. **Williams & Humbert Ltd v W & H Trade Marks (Jersey) Ltd, Rumasa SA v Multinvest (UK) Ltd** [1986] 1 129, HL.

Foreign proceedings—

Restraint of foreign proceedings—

Circumstances in which court will restrain prosecution of foreign proceedings—Unjust and unconscionable for party to bring foreign proceedings—Proceedings in United States against English bank having subsidiary in United States—Proceedings alleging bank's actions in England amounted to conspiracy in breach of United States anti-trust laws—Party bringing proceedings relying on pre-trial discovery to obtain evidence of conspiracy—Whether bank's mere presence in United States sufficient to prevent English court restraining proceedings—Whether lack of evidence making proceedings unjust and unconscionable—Whether extra-territorial jurisdiction claimed by United States anti-trust laws relevant in determining whether proceedings unjust and unconscionable—Whether injunction should be granted to restrain foreign proceedings. **Midland Bank plc v Laker Airways Ltd** [1986] 1 526, CA.

Circumstances in which court will restrain prosecution of foreign proceedings—Public policy—Bank using information obtained from New York subsidiary in evidence in proceedings in England against respondent—Respondent commencing action in New York against New York subsidiary for breach of contract—Whether New York action penalising bank for using information as evidence in English proceedings—Whether bank and New York subsidiary to be treated as single legal entity—Whether English court appropriate forum for action by respondent against New York subsidiary—Whether any principle of public policy that only nominal damages recoverable where relevant and admissible evidence is improperly obtained—Whether, if nominal damages only recoverable, grant of injunction justified—Whether New York action involving relitigation of matters already litigated in England—Whether bank entitled to injunction restraining respondent from carrying on New York action. **Bank of Tokyo Ltd v Karoon** [1986] 3 468, CA.

Circumstances in which court will restrain prosecution of foreign proceedings—Defendants to actions in England seeking discovery against plaintiffs by bringing proceedings for discovery in foreign court—Whether injunction would be granted restraining defendants from continuing foreign proceedings. **South Carolina Insurance Co v Assurantie Maatschappij 'de Zeven Provinciën' NV, South Carolina Insurance Co v Al Ahlia Insurance Co** [1986] 3 487, HL.

Succession—

Intestacy—

Immovables—Residuary estate of intestate—Deceased leaving movable and immovable property in three different jurisdictions—Immovable property situated in United Kingdom—Widow of deceased taking share of movable property in foreign jurisdiction under law of deceased's domicile—Whether widow entitled in addition to statutory legacy under English law of intestacy—Whether 'residuary estate of the intestate' referring only to succession to immovables in United Kingdom—Administration of Estates Act 1925, s 46. **Re Collens (decd), Royal Bank of Canada (London) Ltd v Krogh** [1986] 1 611, ChD.

CONSENT ORDER

Divorce—

Financial provision. *See* **Divorce** (Financial provision—Consent order).

CONSPIRACY

Criminal. *See* **Criminal law** (Conspiracy).

CONSTITUTIONAL LAW

Diplomatic privilege—

Immunity from legal process—

Residence of diplomatic agent—Embassy of foreign state—Embassy abandoned after fire—Whether premises 'used' for purposes of diplomatic mission—Diplomatic Privileges Act 1964, Sch 1, art 22. **Westminster City Council v Government of the Islamic Republic of Iran** [1986] 3 284, ChD.

Foreign sovereign state—

Immunity from suit—

International organisation—Waiver of immunity—Bank lending money to International Tin Council—Tin Council agreeing to submit irrevocably to jurisdiction of English courts—Whether Tin Council waiving immunity—Extent of Tin Council's sovereign status—International Tin Council (Immunities and Privileges) Order 1972, para 6(1). **Standard Chartered Bank v International Tin Council** [1986] 3 257, QBD.

International organisation—

Immunity from suit—

Extent of organisation's sovereign status. *See* **Foreign sovereign state**—Immunity from suit—International organisation, *ante*.

CONSTRUCTION

National legislation—

European Economic Community. *See* **European Economic Community** (National legislation—Construction).

Trust deed—

Extrinsic evidence—

Admissibility. *See* **Document** (Admissibility in evidence—Extrinsic evidence—Trust deed—Construction).

CONSTRUCTIVE TRUST

See **Trust and trustee** (Constructive trust).

CONSUMER CREDIT

Extortionate credit bargain—

Bargain extortionate as contravening ordinary principles of fair dealing—

Burden of proof on creditor—Discharge of burden of proof—Consumer Credit Act 1974, s 138(1)(b)

Coldunell Ltd v Gallon [1986] 1 429, CA.

Mortgage—

Degree of risk greater than normal—Plaintiffs unable to obtain mortgage from usual sources—

Plaintiffs entering into deferred sale arrangement for purchase of house—Higher than usual rate

of interest charged on mortgage—Whether deferred sale arrangement and mortgage constituting

extortionate credit bargain—Consumer Credit Act 1974, s 138. **Davies v Directloans Ltd** [1986]

2 783, ChD.

CONTAINER

Trade mark. *See* Trade mark (Mark—Container).

CONTEMPT OF COURT

Committal—

Breach of undertaking—

County court. *See* Committal—County court—Breach of undertaking, *ante*.

County court—

Breach of undertaking—Whether order reciting undertaking required to be indorsed with penal

notice—Whether order required to be served on person giving undertaking—Whether procedural

requirements for enforcement of undertaking as strict as requirements for enforcement of

judgment or order—Whether provisions relating to court's power to dispense with service

applicable to committal for breach of undertaking—CCR Ord 29, r 1(2)(6)(7). **Hussain v Hussain**

[1986] 1 961, CA.

Order—

Order unlawful on its face—Substitute order—Civil contempt—Defendant unlawfully committed

'until further order' for refusing to produce documents in civil litigation—Whether requirement that

committal be for fixed term applying to civil contempt—Whether court having power to substitute

such other order as is just—Administration of Justice Act 1960, s 13(3)—Contempt of Court Act

1981, s 14. **Linnett v Coles** [1986] 3 652, CA.

Publications concerning legal proceedings—

Pending proceedings—

Substantial risk of serious prejudice to fair trial—Libel proceedings—Defence of justification—

Proposed publication by third party of matters already subject of libel proceedings—Trial set for

no earlier than ten months from proposed publication—Whether proposed publication creating

substantial risk of serious prejudice to trial—Whether appropriate to restrain publication—

Contempt of Court Act 1981, ss 1, 2. **A-G v News Group Newspapers Ltd** [1986] 2 833, CA.

CONTRACT

Agent—

Act outside scope of authority—

Liability of principal. *See* Vicarious liability (Principal and agent).

Breach—

Injunction. *See* Injunction (Breach of contract).

Building contract. *See* Building contract.

Carriage by air—

Generally. *See* Carriage by air.

Charterparty. *See* Shipping (Charterparty).

Collateral warranty. *See* Warranty—Collateral warranty, *post*.

Conflict of laws. *See* Conflict of laws (Contract).

Damages for breach—

Contributory negligence—

Contract of agency for professional services—Agent failing to act on instructions from principal—

Principal failing to rectify matters during subsequent opportunities available to him—Principal

claiming damages for breach of contract—Agent raising defence of contributory negligence of

principal—Whether defence of contributory negligence available in claim in contract—Law Reform

(Contributory Negligence) Act 1945. **Forsikringsaktieselskapet Vesta v Butcher** [1986] 2 488,

QBD.

Employment—

Generally. *See* Employment (Contract of service).

Teacher. *See* Education (Teacher—Contract of employment).

Frustration—

Contract of service. *See* Employment (Contract of service—Frustration).

Illegality—

Insurance—

Generally. *See* Insurance (Illegality).

Implied term—

Charterparty—

Generally. *See* Shipping (Charterparty—Implied term).

Sale of goods—

Merchantable quality. *See* Sale of goods (Implied condition as to merchantable quality).

Limitation of liability—

Building contract—

Liability of contractor for loss or damage. *See* Building contract (Contractor—Liability for loss or

damage—Limitation of liability).

Master and servant. *See* Employment (Contract of service).

Personal services—

Specific performance. *See* Specific performance (Personal services).

Procuring breach of contract—

Injunction. *See* Injunction (Breach of contract—Procuring breach of contract).

Proper law—

Generally. *See* Conflict of laws (Contract—Proper law of contract).

Rescission—

Sale of land. *See* Sale of land (Rescission of contract).

CONTRACT (cont)

Sale of goods—

Generally. *See* **Sale of goods.**

Sale of land—

Rescission of contract. *See* **Sale of land** (Rescission of contract).

Specific performance—

Generally. *See* **Specific performance.**

Surgery—

Nature of contract—

Sterilisation of female patient—Whether gynaecologist guaranteeing to produce particular medical result. **Eyre v Measday** [1986] 1 488, CA.

Vasectomy—Whether surgeon contracting to produce particular medical result when result depending on healing of human tissue. **Thake v Maurice** [1986] 1 497, CA.

Warranty—

Collateral warranty—

Breach—Surgery—Sterilisation of female patient—Patient told that sterilisation irreversible—Patient not told of minute risk of failure—Patient becoming pregnant—Whether gynaecologist in breach of warranty to render patient irreversibly sterile. **Eyre v Measday** [1986] 1 488, CA.

Breach—Surgery—Vasectomy—Patient told that vasectomy resulting in irreversible sterility—Patient thereby induced to have vasectomy—Patient not warned of risk that effect of vasectomy might be naturally reversed—Patient regaining fertility—Patient's wife becoming pregnant—Whether surgeon in breach of warranty. **Thake v Maurice** [1986] 1 497, CA.

CONTRIBUTORY NEGLIGENCE

Defence to action for breach of contract. *See* **Contract** (Damages for breach—Contributory negligence).

CONTROLLED DRUGS

Generally. *See* **Drugs** (Controlled drugs).

CONVERSION

Damages—

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Successful defendant—Plaintiff succeeding on merits of case but failing to prove relief necessary against defendant—Whether plaintiff ought to pay defendant's costs. *Celsteel Ltd v Alton House Holdings Ltd* [1986] 1 608, CA.

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Hostile litigation—Costs on standard basis—Circumstances in which costs should be awarded on standard basis—RSC Ord 62, r 12(1). *Bowen-Jones v Bowen-Jones* [1986] 3 163, ChD.

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Interlocutory application brought by plaintiff against third party—Third party applying for security for costs against plaintiff—Jurisdiction to order security for costs in interlocutory application—Whether interlocutory application a 'proceeding'—Whether plaintiff and third party in position of plaintiff and defendant—RSC Ord 23, r 1. *Taly NDC International NV v Terra Nova Insurance Co Ltd (Chandler Hargreaves Whittall & Co Ltd, third party)* [1986] 1 69, CA.

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Taxation (cont)—

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Privy Council—

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Injunction—

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Plaintiff having cross-claim against defendant pending in High Court—Whether special circumstances rendering it inexpedient to order payment out—RSC Ord 47, r 1(1)(a)—CCR Ord 30, r 6. **Schofield v Church Army** [1986] 3, CA.

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Costs—

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Answers and statements to police—

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Cross-examination as to previous conviction—Imputation on character of prosecutor or witness—Accused alleging that prosecution witnesses fabricated evidence and giving evidence of own good character—Whether cross-examination as to accused's previous conviction permissible—Criminal Evidence Act 1898, s 1(f)(ii). **R v Powell** [1986] 1 193, CA.

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Confidentiality of sources—Whether rule protecting informers applies to identity of premises used for surveillance and identity of owners or occupiers of such premises. **R v Rankine** [1986] 2 566, CA.

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CRIMINAL LAW (cont)

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Belief of accused that his acts constitute an offence—Impossible for accused to commit full offence—Accused attempting to deal with and harbour a substance he believed to be a prohibited drug—Substance not in fact a prohibited drug—Whether accused guilty of attempt to deal with and harbour prohibited drug—Customs and Excise Management Act 1979, s 170(1)(b)—Criminal Attempts Act 1981, s 1. **R v Shivpuri** [1986] 2 334, HL.

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Absconding from bail—

Magistrates' court's jurisdiction to deal with absconder—Nature of offence of absconding—Whether magistrates having jurisdiction to commit absconder to Crown Court for sentence—Bail Act 1976, s 6(1). **Schiavo v Anderton** [1986] 3 10, QBD.

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Fraudulent transaction not involving false accounting—

Employee dishonestly intending to sell own articles as property of employer—British Rail steward selling own refreshments to passengers—Steward's own supplies not showing up in account made for British Rail—Whether steward could be charged with false accounting—Theft Act 1968, s 17. **R v Cooke** [1986] 2 985, HL.

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Use of false instrument—Mens rea—Whether prosecution required to prove both an intention to induce a person to accept false instrument as genuine and an intention that that person shall act or omit to act to his own or someone else's prejudice—Forgery and Counterfeiting Act 1981, s 3. **R v Tobierre** [1986] 1 346, CA.

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CRIMINAL LAW (cont)

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Intent proved by reference to foreseeability of consequences—Natural and probable consequences—Appropriate direction to be given to jury. **R v Hancock** [1986] 1 641, CA & HL.

Intent proved by reference to foreseeability of consequences—Distinction between motive and intent—Intent inferred from foresight of consequences—Appropriate direction to jury. **R v Nedrick** [1986] 3 1, CA.

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Reduction to manslaughter—Jury not agreeing on a verdict of murder—Jury returning verdict of manslaughter—Whether jury required to acquit defendant of murder before returning manslaughter verdict—Whether jury entitled to return verdict of manslaughter if they cannot agree on verdict of murder—Criminal Law Act 1967, s 6(2). **R v Saunders** [1986] 3 327, CA.

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Received from or on account of another—Obligation to retain and deal with property in particular way—Employee contracting with employer to sell on employer's premises only goods supplied by employer—Employee secretly obtaining goods from persons other than employer and selling them to customers—Whether employee receiving moneys on behalf of employer—Theft Act 1968, s 5(3). **Attorney General's Reference (No 1 of 1985)** [1986] 2 219, CA.

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CRIMINAL LAW (cont)

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CROWN COURT

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- Power of court on appeal—
Defendant pleading guilty before magistrates—Defendant appealing against sentence—Defendant wishing on appeal to change plea to not guilty because plea of guilty was equivocal—Duty of Crown Court in determining issue of equivocality—Whether Crown Court having power to remit case to magistrates—Supreme Court Act 1981, s 48(2). **R v Plymouth Justices, ex p Hart** [1986] 2 452, QBD.
- Sentence—Decision which is the subject of the appeal—Jurisdiction to confirm, reverse or vary sentence—Separate sentences imposed for different offences on same occasion—Appellant appealing in respect of only one offence—Whether 'decision which is the subject of the appeal' including all offences—Whether Crown Court having jurisdiction to vary or increase sentences for offences which are not subject of appeal—Supreme Court Act 1981, s 48. **Dutta v Westcott** [1986] 3 381, QBD.
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Allocation of proceedings—
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Knowingly—Importation of drugs—Whether necessary for prosecution to prove defendant knew drugs were of class appropriate to offence charged—Customs and Excise Management Act 1979, s 170(1)(b). *R v Shivpuri* [1986] 2 334, HL.

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Loss of earnings. *See Personal injury—Loss of earnings, post.*

Magistrates—

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Personal injury. *See Personal injury, post.*

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Personal injury—

Aggravated damages—

Medical negligence—Obstetrician not using anaesthetic—Obstetrician's treatment 'horrific, wholly unacceptable' and causing patient excruciating pain—Whether patient entitled to aggravated damages—Whether general damages should be increased because patient's experience made it more difficult for her to recover. *Kralj v McGrath* [1986] 1 54, QBD.

Amount of damages—

Guidelines from other cases—Awards for non-economic loss—Proper approach to previous Court of Appeal decisions. *Housecroft v Burnett* [1986] 1 332, CA.

Grief—

Medical negligence—Obstetrician's negligence causing injury to mother and death of child—Whether mother entitled to damages for grief at loss of child—Whether general damages should be increased because mother's grief made it more difficult for her to recover from her own injuries. *Kralj v McGrath* [1986] 1 54, QBD.

Loss of earning capacity—

Deduction of sickness, invalidity, injury or disablement benefit accruing to injured person—One-half of value of benefits accruing for five years after accrual of cause of action to be deducted from damages for loss of earning capacity—Whether award for loss of earning capacity to be treated as award for 'loss of earnings'—Law Reform (Personal Injuries) Act 1948, s 2(1). *Foster v Tyne and Wear CC* [1986] 1 567, CA.

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Compulsory contribution pension—Miner absent on sick leave for 31 weeks—Miner not receiving pay and not paying employee's pension contributions for part of that period—Whether amount of contributions to be included in damages for loss of earnings. **News v National Coal Board** [1986] 2 769, CA.

Meaning—Whether award for loss of earning capacity to be treated as award for 'loss of earnings'.

See Personal injury—Loss of earning capacity, *ante*.

Nursing—

Assessment of cost of supplying nursing care—Cost not to be assessed regardless of whether it will be incurred—Nil award to be made where nursing care provided under national health service. **Housecroft v Burnett** [1986] 1 332, CA.

Nursing care provided by relative of plaintiff—Gratuitous provision of nursing care—Award of damages in respect of nursing care—Effect of relative giving 11032802 up gainful employment to look after plaintiff. **Housecroft v Burnett** [1986] 1 332, CA.

Tetraplegia—

Matters to be considered—Plaintiff's condition—Variables—Age, awareness, pain and expectation of life—What constitutes average case of tetraplegia—Guideline for award for non-economic loss in average case of tetraplegia. **Housecroft v Burnett** [1986] 1 332, CA.

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Foreseeability—

Financial loss—Financial loss incurred in having future child—Obstetrician's negligence causing death of twin child—Whether financial loss that parents would incur in having another child to replace dead child too remote—Whether financial loss resulting from future pregnancy recoverable. **Kralj v McGrath** [1986] 1 54, QBD.

Personality change—Plaintiff suffering brain damage as a result of car accident—Accident caused by defendant's negligence—Plaintiff's brain damage causing him to undergo personality change and attack women—Plaintiff's victims awarded damages against plaintiff—Whether plaintiff entitled to recover from defendant damages awarded to victims. **Meah v McCreamer** [1986] 1 943, QBD.

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Unwanted pregnancy—

Negligence—

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Obtaining property by deception. See Criminal law (Obtaining property by deception).

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Legal or equitable right enforceable by declaration—

Injury to property or pecuniary damage—Foreign state alleging export documents relating to valuable work of art forged—State not claiming title to work of art or legal interest in documents—Whether forged export documents would cause injury to property of or pecuniary damage to foreign state and its subjects—Whether foreign state having legal or equitable right enforceable by declaration. **Kingdom of Spain v Christie Manson & Woods Ltd** [1986] 3 28, ChD.

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Recognition—

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Trust deed—

Extrinsic evidence—Admissibility. See Document (Admissibility in evidence—Extrinsic evidence—Trust deed—Construction).

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Absence of seal—Validity of deed—Estoppel—Deed expressed to be 'signed sealed and delivered'—Deed signed and witnessed—No indication of seal being fixed—Third party relying on deed to his detriment—Whether person executing deed estopped from denying validity of deed. **TCB Ltd v Gray** [1986] 1 587, ChD.

Trust deed—

Construction—

Extrinsic evidence—Admissibility. See Document (Admissibility in evidence—Extrinsic evidence—Trust deed—Construction).

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Discovery outside jurisdiction—

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Mareva injunction—

Discovery or interrogatory in aid of injunction. *See* **Practice** (Pre-trial relief—Mareva injunction—Discovery or interrogatory in aid of injunction).

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Class of documents—Statement taken by police in course of statutory investigation into complaint against police by member of the public—Statement taken by police in course of investigation into death of member of public—Statement used for dual purpose of investigating complaint and death—Statement alleging assault by police officer on deceased and other members of public—Deceased's personal representative bringing civil action against police—Police claiming immunity from production of statement—Whether statement obtained as formal complaint in course of statutory inquiry—Whether statement obtained in course of police investigation into death of deceased—Whether statement protected from disclosure on ground of public interest—Police Act 1964, ss 48, 49. **Peach v Comr of Police of the Metropolis** [1986] 2 129, CA.

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List of documents—

Mistake in list—Privileged documents mistakenly included in list of documents for production—Privileged documents inspected and copied by other side—Whether too late to correct mistake—Whether production of documents should be ordered—RSC Ord 24, rr 5, 9. **Re Briamore Manufacturing Ltd (in liq)** [1986] 3 132, ChD.

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DISMISSAL (cont)

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Committal proceedings—Whether Divisional Court having jurisdiction to interfere with committal proceedings if magistrate declining to exercise, or acting outside jurisdiction. **R v Wells Street Metropolitan Stipendiary Magistrate, ex p Westminster City Council** [1986] 3 4, QBD.

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Minute of order—Matrimonial Causes Act 1973, ss 23, 24, 24A, 27—Matrimonial Causes Rules 1977, r 76A. **Practice Direction** [1986] 1 704, FamD.

Military pay, pensions etc—

Avoidance of assignment of, or charge on, military pay, pensions etc—Army discharge gratuity—Wife applying for proportion of gratuity for which husband would be eligible in respect of military service—Husband to receive gratuity on discharge—Husband likely to remain in army for further 20 years—Registrar ordering lump sum payment from gratuity—Whether order amounting to charge on gratuity and void—Whether appropriate for court to make lump sum order—Whether application should be adjourned until gratuity available—Army Act 1955, s 203. **Roberts v Roberts** [1986] 2 483, FamD.

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Order following decree—Jurisdiction—Foreign decree—Legislation giving court power to order financial relief in England and Wales after overseas divorce etc—Whether legislation having retrospective effect—Whether court having power to grant financial relief in cases where overseas divorce etc pronounced before legislation in force—Matrimonial and Family Proceedings Act 1984, Pt III (ss 12-27), s 12(1). **Chebaro v Chebaro** [1986] 2 897, FamD.

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Variation of order—

Appeal—Appeal out of time—Leave to appeal—Death of spouse—Order made in full and final settlement of all claims—Death of wife before execution of order—Husband applying for leave to appeal against order—Whether jurisdiction to grant leave to appeal. **Barder v Barder (Caluori intervening)** [1986] 2 918, CA.

Discharge—Husband applying to have maintenance order discharged on payment of capital sum—Wife objecting to discharge—Whether court having jurisdiction to discharge periodical payments order on payment of capital sum—Matrimonial Causes Act 1973, s 31(5)(7). **S v S** [1986] 3 566, FamD.

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Overseas divorce—Proceedings in country outside British Isles—Proceedings—Talaq divorce—Talaq pronounced by husband in United Kingdom—Husband a national of Pakistan—Wife resident in Pakistan—Notice of talaq served on Pakistani authorities and wife in accordance with Pakistani law—Talaq not revoked and marriage validly dissolved under Pakistani law—Whether pronouncement of talaq part of 'proceedings' by which divorce obtained—Whether divorce obtained by means of 'proceedings' in Pakistan—Recognition of Divorces and Legal Separations Act 1971, ss 2(a), 3(1). **Fatima v Secretary of State for the Home Dept** [1986] 2 32, HL.

Overseas divorce—

Recognition by English court. *See* **Foreign decree—Recognition by English court—Overseas divorce, ante**.

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Financial provision. *See* **Financial provision, ante**.

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Admissibility in evidence—

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Trust deed—Construction—Extrinsic evidence of intention of person executing trust deed—Counsel's opinion given at or prior to execution of trust deed—Whether opinion admissible as evidence in construction of deed. **Rabin v Gerson Berger Association Ltd** [1986] 1 374, CA.

DOCUMENT (cont)

Admissibility in evidence (cont)—

Privileged and confidential document—

Copy coming into possession of party to litigation—Party's intention to rely on document stated in defence—Whether plaintiff seeking protection of privilege entitled to restrain defendant from relying on document—Whether rule protecting disclosure of confidential communication prevailing over rule of evidence allowing copy to be used as secondary evidence. **Goddard v Nationwide Building Society** [1986] 3 264, CA.

Construction—

Trust deed—

Extrinsic evidence—Admissibility. *See* Admissibility in evidence—Extrinsic evidence—Trust deed—Construction, *ante*.

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Driving while unfit. *See* Road traffic (Driving while unfit to drive through drink or drugs).

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Possession with intent to supply—

Supply—Meaning—Defendant in temporary possession of drug—Defendant holding drug for owner and intending to return it to owner in due course—Whether intention to 'supply' drug to owner—Whether necessary that transfer of physical control from one person to another is for the benefit of that other—Misuse of Drugs Act 1971, s 5(3). **R v Maginnis** [1986] 2 110, CA.

Unlawful possession—

Defence—Presence of drug forgotten—Applicant obtaining cannabis in Canada, putting it in his wallet and forgetting about it—Whether applicant in possession of cannabis—Misuse of Drugs Act 1971, s 5(2). **R v Martindale** [1986] 3 25, CA.

Exceptions to prohibition against possession—Burden of proof—Prosecution not adducing evidence that defendant did not fall within exception to prohibition against possession—Whether burden of proof lying on prosecution or defendant to establish that defendant falling within exception—Misuse of Drugs Regulations 1973, Sch 1, para 3. **R v Hunt** [1986] 1 184, CA.

Exceptions to prohibition against possession—Exception in respect of preparation containing not more than 0.2 per cent of morphine—Whether exception restricted to possession for medical purposes—Misuse of Drugs Regulations 1973, Sch 1, para 3. **R v Hunt** [1986] 1 184, CA.

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Prescription only drugs. *See* Medicine (Sale by retail—Prescription only medicine).

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Earning capacity—

Damages—Generally. *See* Damages (Personal injury—Loss of earning capacity).

EASEMENT

Light—

Interference with light—

Test whether interference complained of amounting to nuisance—Plaintiff converting single open space into suite of rooms—Defendants' building subsequently obstructing light to rear rooms—Whether substantial interference with use and enjoyment of plaintiff's property—Whether plaintiff entitled to such access of light as would leave premises adequately lit for all ordinary purposes for which they might reasonably be used—Whether subdivision of floor space into suite of rooms a reasonable use—Prescription Act 1832, s 3. **Carr-Saunders v Dick McNeil Associates Ltd** [1986] 2 888, ChD.

EASEMENT (cont)

Right of way—

Disturbance—

Remedy—Enforcement against lessor—Interference caused by another tenant—Lessor granting lease of premises to oil company—Oil company proposing to erect car wash on premises—Car wash authorised by terms of lease—Injunctions granted against lessor and oil company restraining construction of car wash on ground of interference with rights of way—Whether injunction necessary against lessor. **Celsteel Ltd v Alton House Holdings Ltd** [1986] 1 608, CA.

Sale of land—

Duty of purchaser to satisfy himself as to incumbrances etc. *See* **Sale of land** (Incumbrances, easements, rights of way etc)—Duty of purchaser to satisfy himself as to incumbrances).

ECCELESIASTICAL LAW

Ecclesiastical courts—

Jurisdiction—

Extent of jurisdiction—Chattel—Title to chattel—Trust—Whether ecclesiastical courts having jurisdiction to decide ownership of chattel when determining whether faculty should be granted in respect of it—Whether ecclesiastical courts can decide whether such chattel subject to trust. **Re St Mary of Charity, Faversham** [1986] 1 1, Comm Ct.

Faculty—

Sale of chattel—

Church plate—Need to prove good and sufficient ground for grant of faculty—Money needed for repair of church—Church restoration appeal launched—Faculty for sale of church plate sought in case restoration appeal unsuccessful—Whether good and sufficient ground for grant of faculty proved. **Re St Mary of Charity, Faversham** [1986] 1 1, Comm Ct.

Sculpture—

Stone altar—Sculpture—Sculpture not a table and therefore illegal as holy table—Whether faculty should be granted for introduction of sculpture into church—Whether onus of proof on petitioners or party opponent. **Re St Stephen Walbrook** [1986] 2 705, Con Ct

Holy table—

Quality of holy table—

Movability and material out of which table made—Marble sculpture—Holy table not illegal merely because it is immovable or made of stone—Whether holy table required to be a 'table'—Holy Table Measure 1964, s 1—Revised Canons Ecclesiastical, Canon F2, para 1. **Re St Stephen Walbrook** [1986] 2 705, Con Ct.

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Duty of parent to secure regular attendance of pupil—

Failure to secure regular attendance—Proceedings against parent—Defence—Distance of home from school—Nearest available route—Shortest route dangerous to unaccompanied child—Whether route 'available'—Education Act 1944, s 39(2)(c)(5). **Rogers v Essex CC** [1986] 3 321, HL.

Teacher—

Contract of employment—

Breach of contract—Refusal to cover for absent colleague—Whether teacher having contractual obligation to provide cover—Whether refusal to cover for absent colleague constituting breach of contract. **Sim v Rotherham Metropolitan BC** [1986] 3 387, ChD.

Claim for salary—Set-off—Whether equitable right of set-off available in action for salary under contract of employment. *See* **Set-off** (Cross-claim—Equitable right of set-off—Contract of employment—Teacher).

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EMOLUMENTS

Income tax. *See* **Income tax** (Emoluments from office or employment).

EMPLOYMENT

Academic staff—

University. *See* **University** (Academic staff).

Confidential information—

Duty of employee. *See* **Duty of servant**—Confidential information, *post*.

See **Duty of servant**—Confidential information, *post*.

Continuity—

Period of continuous employment—

Temporary cessation of work—Employees working intermittently in an irregular pattern over a number of years—Employment and lay-offs dependent on seasonal demand—Industrial tribunal comparing lay-off periods as percentage of periods of employment—Correct approach for determining whether lay-off period a substantial or temporary cessation of work—Employment Protection (Consolidation) Act 1978, Sch 13, para 9(1)(b). **Flack v Kodak Ltd** [1986] 2 1003, CA.

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Transfer terminating contract of employment—Employment by transferor immediately before transfer—Employee dismissed three hours before business sold—Whether employee employed 'immediately before the transfer' of business—Whether employee entitled to redundancy payment—Transfer of Undertakings (Protection of Employment) Regulations 1981, reg 5(1)(3). **Secretary of State for Employment v Spence** [1986] 3 616, CA.

EMPLOYMENT (cont)

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Frustration—

Imprisonment of employee—Apprentice sentenced to borstal training for not less than six months—Apprentice half way through four-year apprenticeship when sentenced—Whether apprentice guilty of 'serious misconduct' in his apprenticeship—Whether sentence frustrating contract of apprenticeship—Whether frustration self-induced—Whether apprentice repudiating contract—Whether apprentice unfairly dismissed—Whether apprentice contributing to his dismissal—Whether unreasonable to award maximum compensation where employee contributing to his unfair dismissal—Employment Protection (Consolidation) Act 1978, s 74(6). **FC Shepherd & Co Ltd v Jerrom** [1986] 3 589, CA.

Sickness of employee—Short-term periodic contract—Absence from work—Employee absent from work because of heart attack and unable to resume employment—Whether contract terminated by frustration because of employee's illness—Employment Protection (Consolidation) Act 1978, s 49(1), Sch 3, para 3. **Notcutt v Universal Equipment Co (London) Ltd** [1986] 3 582, CA.

Incidents of contract—

Minister of religion—Presbyterian minister dismissed by Church after disciplinary hearing—Minister alleging unfair dismissal—Whether agreement between minister and Church a contract of service—Whether industrial tribunal having jurisdiction to hear minister's complaint—Employment Protection (Consolidation) Act 1978. **Davies v Presbyterian Church of Wales** [1986] 1 705, HL.

Defective equipment—

Employer's liability. *See* Liability of master—Defective equipment, *post*.

Discrimination—

Employment 'at an establishment in Great Britain'—

Employee working on foreign registered ship mainly outside Great Britain—Employee working on foreign registered ship mainly outside Great Britain—Employee employed by English company with offices in Great Britain—Whether employee's work done 'at an establishment in Great Britain'—Whether industrial tribunal having jurisdiction to entertain complaint—Sex Discrimination Act 1975, ss 6(2), 10(1)(2)(4). **Houghton v Olau Line (UK) Ltd** [1986] 2 47, CA.

Discrimination against a woman—

Employment under contract personally to execute any work or labour—

Elements of contract—Daughter employed by father in his business of wholesale distribution of newspapers—Father retiring from business—Newspaper proprietor refusing to transfer contract to daughter—Whether discrimination against daughter—Whether father employed under 'contract personally to execute any work or labour'—Sex Discrimination Act 1975, ss 6(1)(c), 82(1). **Gunning v Mirror Group Newspapers Ltd** [1986] 1 385, CA.

Dismissal—

Academic staff—

University. *See* University (Academic staff—Dismissal).

Equality of treatment of men and women—

European Economic Community. *See* European Economic Community (Equality of treatment of men and women—Equal working conditions—Dismissal).

Unfair dismissal. *See* Unfair dismissal.

Duty of employee. *See* Duty of servant, *post*.

Duty of employer. *See* Duty of master, *post*.

Duty of master—

Safety of employees—

Common law duty to protect employee from risk of danger at place of work—Liability for negligence of third party—Employee employed in dredging operations—Employer in joint enterprise with third party—Employee injured while on third party's tug under control of third party's employee—Whether employer liable for negligence of third party's employee. **McDermid v Nash Dredging and Reclamation Co Ltd** [1986] 2 676, CA.

Duty of servant—

Confidential information—

Confidential information acquired by servant in course of employment—No express agreement restricting disclosure by employee—Information forming part of skill and knowledge acquired by employee—Employee's employment terminated—Employee using information as principal or disclosing information in service of new employer—Whether abuse of confidential information. **Faccenda Chicken Ltd v Fowler, Fowler v Faccenda Chicken Ltd** [1986] 1 617, CA.

Emoluments—

Income tax. *See* Income tax (Emoluments from office or employment).

Equality of treatment of men and women—

Discrimination against a woman. *See* Discrimination against a woman, *ante*.

See Discrimination against a woman, *ante*.

European Economic Community—

Generally. *See* European Economic Community (Equality of treatment of men and women).

Equipment—

Defective equipment—

Liability of employer. *See* Liability of master—Defective equipment, *post*.

European Economic Community—

Equality of treatment of men and women. *See* European Economic Community (Equality of treatment of men and women).

Illness—

Frustration of contract—

Generally. *See* Contract of service—Frustration—Sickness of employee, *ante*.

Imprisonment of employee—

Frustration of contract of employment. *See* Contract of service—Frustration—Imprisonment of employee).

Income tax—

Emoluments from office or employment. *See* Income tax (Emoluments from office or employment).

Liability of master—

Defective equipment—

Shipping—Whether 'equipment' including ship—Employer's Liability (Defective Equipment) Act 1969, s 1(1)(3). **Coltman v Bibby Tankers Ltd, The Derbyshire** [1986] 2 65, QBD.

EMPLOYMENT (cont)

Remuneration—

Deduction from wages—

Deduction in respect of shortages—Contract including disciplinary rules for deductions of losses from wages of employee—Whether deductions made 'for or in respect of any fine'—Whether employer guilty of offence in making contract—Truck Act 1896, s 1. **Sealand Petroleum Co Ltd v Barratt** [1986] 2 360, QBD.

Safety of employee—

Duty of master. *See* Duty of master—Safety of employees, *ante*.

Summary dismissal—

Unfair dismissal—

Date of dismissal. *See* Unfair dismissal (Date of dismissal—Summary dismissal).

Teacher—

Contract of employment. *See* Education (Teacher—Contract of employment).

Transfer of trade, business or undertaking—

Continuity of employment. *See* Continuity, *ante*.

Unemployment benefit—

Disqualification for benefit—

Loss of employment due to stoppage of work—Loss of employment—Stoppage of work due to trade dispute—Trade dispute concerning more than one issue—Claimant not supporting stoppage and prevented from working by pickets—Claimant later returning to work during stoppage—Claimant's employment terminated because of redundancy while trade dispute continuing—Whether claimant had 'lost employment ... by reason of a stoppage of work'—Whether claimant 'directly interested' in dispute—Whether temporary loss of employment by reason of stoppage resulting in disqualification from benefit for duration of stoppage—Social Security Act 1975, s 19(1). **Cartledge v Chief Adjudication Officer** [1986] 2 1, CA.

See Social security (Unemployment benefit).

Unfair dismissal. *See* Unfair dismissal.

University—

Academic staff. *See* University (Academic staff).

Wages—

Generally. *See* Remuneration, *ante*.

See Remuneration, *ante*.

ENDURING POWER OF ATTORNEY

See Power of attorney (Enduring power of attorney).

EQUIPMENT

Defective equipment—

Employer's liability. *See* Employment (Liability of master—Defective equipment).

EQUITABLE INTEREST

Mortgage. *See* Mortgage (Equitable interest).

EQUITY

Breach of confidence—

Damages—

Use of information obtained in confidence—Information relating to manufacture of article—Information having no special features and readily obtainable elsewhere—Basis of assessing damages—Whether damages affected by whether plaintiff intended to manufacture article himself or to licence others to manufacture article. **Dowson & Mason Ltd v Potter** [1986] 2 418, CA.

Injunction—

Information already published—Information obtained by employee while working for plaintiff—Defendant working for plaintiff on oil-rig coupling—Defendant leaving plaintiff's employment and commencing manufacture and sale of couplings—Defendant applying for patent and describing couplings in marketing brochure—Whether plaintiff entitled to injunction if confidential information already published by defendant. **Speed Seal Products Ltd v Paddington** [1986] 1 91, CA.

Equitable interest—

Mortgage. *See* Mortgage (Equitable interest).

Ne exeat regno—

Writ—

Application for writ and Mareva injunction—Plaintiff claiming money alleged to have been stolen abroad—Defendant intending to leave jurisdiction with money alleged to have been stolen—Whether writ of ne exeat regno should issue to restrain defendant from leaving jurisdiction unless he gave security for money alleged to have been stolen. **Al Nahkel for Contracting and Trading Ltd v Lowe** [1986] 1 729, QBD.

Form of writ. **Al Nahkel for Contracting and Trading Ltd v Lowe** [1986] 1 729, QBD.

Set-off—

Cross-claim—

Equitable right of set-off. *See* Set-off (Cross-claim—Equitable right of set-off).

Undue influence—

Misrepresentation by person exercising influence—

Effect of misrepresentation—Principal and agent—Plaintiffs entrusting husband to obtain wife's signature on mortgage deeds—Husband making false representation to wife in order to obtain signature—Wife not obtaining independent advice—Whether transaction should be set aside for undue influence. **Kingsnorth Trust Ltd v Bell** [1986] 1 423, CA.

Unauthorised intervention in transaction—

Loan agreement—Son exercising undue influence on parents to borrow money from moneylender for his benefit—Parents executing charge on their house to secure loan—Moneylender not constituting son as its agent in transaction—Whether loan tainted by son's undue influence—Whether charge should be set aside—Whether moneylender under duty to ensure parents separately advised. **Coldunell Ltd v Gallon** [1986] 1 429, CA.

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Promissory estoppel—

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Equality of treatment of men and women—

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Equal working conditions—

Dismissal—Dismissal on attaining retirement age—Retirement age fixed by employer by reference to qualifying age for state retirement pension—Qualifying age for state retirement pension different for men and for women—Whether employer's policy concerning dismissal on attaining qualifying age for state retirement pension infringing principle of equal treatment—Sex Discrimination Act 1975, s 6(4)—EC Council Directive 76/207, arts 1(2), 5(1)—EC Council Directive 79/7, art 7(1)(a). **Marshall v Southampton and South West Hampshire Area Health Authority (Teaching)** [1986] 2 584, C.JEC.

Dismissal—Dismissal by reason of redundancy—Offer by employers of early retirement pension to both male and female employees over the age of 55—Normal retirement ages for men and women employees different—Whether fact that male employees would receive pension ten years before their normal retirement age whereas women would receive their pension five years before normal retirement age amounting to discrimination on grounds of sex—EC Council Directive 76/207, art 5(1). **Roberts v Tate & Lyle Industries Ltd** [1986] 2 602, C.JEC.

Judicial control—

Exclusion of power of review by courts—National authority issuing certificate stating that conditions justifying derogation from principle of equal treatment satisfied—National legislation providing that certificate conclusive evidence that conditions satisfied—Whether principle of effective judicial control allowing certificate to be treated as conclusive evidence—Whether individual who has been wronged by unlawful discrimination entitled to pursue effective judicial remedy against member state notwithstanding issue of certificate—Whether individual entitled to claim that national legislation be set aside so far as it exceeded permitted exceptions to principle of equal treatment—Sex Discrimination (Northern Ireland) Order 1976, art 53(1)(2)—EC Council Directive 76/207, arts 2(1)(2), 3(1), 4, 6. **Johnston v Chief Constable of the Royal Ulster Constabulary** [1986] 3 135, C.JEC.

Social security—

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EUROPEAN ECONOMIC COMMUNITY (cont)

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Exports—Liberalisation—Change in state of liberalisation—Notification of intention to adopt and maintain change—Member state contemplating change in state of liberalisation of exports to non-member countries—Whether member state required to notify Commission of intention to adopt and maintain change in state of liberalisation—Whether failure to notify, delay in notification or inadequate notification amounting to failure of member state to fulfil its obligations—Whether failure creating individual rights which national courts required to protect—Whether failure of Community institutions to challenge legality of change having any effect on compatibility of change with Community law—EEC Treaty, art 113—EEC Council Decision of 9 October 1961, art 4—EEC Council Decision of 25 September 1962—EC Council Decision 69/494, art 15. **Bulk Oil (Zug) AG v Sun International Ltd (No 2)** [1986] 2 745, CJEC.

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Qualitative restrictions on imports from another member state—Restriction or prohibition of imports justified on grounds of public morality—Person importing obscene goods from member state of EEC contrary to United Kingdom customs legislation—No prohibition against manufacture of comparable goods in United Kingdom—EEC Treaty precluding 'qualitative restrictions on imports' unless restrictions 'justified on grounds of public morality'—Whether public morality grounds can be invoked to prevent importation if domestic manufacture and sale not prohibited—Customs Consolidation Act 1876, s 42—EEC Treaty, arts 30, 36. **Conegade Ltd v Customs and Excise Comrs** [1986] 2 688, CJEC and QBD.

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Construction in light of Community obligations—Legislation adopted to implement EEC directive or consequent on Treaty obligation—Pre-existing legislation—Proper approach to construction. **Marshall v Southampton and South West Hampshire Area Health Authority (Teaching)** [1986] 2 584, CJEC.

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Penalty for non-compliance with Community legislation—Penalty for non-compliance with secondary obligation same as penalty for non-compliance with primary obligation—Compliance with primary obligation necessary in order to attain objective of legislation—Secondary obligation essentially administrative in nature—Common agricultural policy—Sugar market—Export licence—Failure to apply for licence within specified time after acceptance of tender—Penalty for failure to comply with time limit same as penalty for failure to export sugar—Whether penalty for failure to comply with time limit breaching principle of proportionality—EC Commission Regulation 1880/83, art 6(3). **R v Intervention Board for Agricultural Produce, ex p E D & F Man (Sugar) Ltd** [1986] 2 115, QBD.

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Rules on competition—

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Restrictions on exports—Restrictions on direct export of crude oil to non-member country or to another member state which might re-export oil to that non-member country—Restrictions not intended to provide particular advantage for national production or for domestic market of member state in question—United Kingdom government policy prohibiting export of crude oil to Israel—Whether member state may adopt such policy—EEC Treaty, arts 3(f), 5, 34—EC Council Regulation 2603/69. **Bulk Oil (Zug) AG v Sun International Ltd (No 2)** [1986] 2 744, CJEC.

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Whether only rights and obligations between member states and non-member countries preserved—Whether agreements concluded prior to Treaty can be relied on to justify restrictions on trade within Community—EEC Treaty, art 234. **Conegade Ltd v Customs and Excise Comrs** [1986] 2 688, CJEC and QBD.

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Extrinsic evidence—Trust deed—Construction).

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Secretary of State making order that defendant be remanded in custody and extradition proceedings be commenced against him—Subsequently Secretary of State making second order and proceedings pursuant to first order terminated—Defendant rearrested on warrant issued pursuant to second order—Whether Secretary of State can lawfully issue second order during currency of an existing order and without further requisition by requesting state—Extradition Act 1870, s 7. **Rees v Secretary of State for the Home Dept.** [1986] 2 321, HL.

Whether trial judge having power to review exercise of Secretary of State's order that extradition proceedings be heard—Whether High Court having jurisdiction to review exercise of Secretary of State's discretion to make such an order—Extradition Act 1870, s 7. **Rees v Secretary of State for the Home Dept** [1986] 2 321, HL.

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FIJI

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Dealing with land—

Native land—Unlawful dealing—Land vested in Native Land Trust Board for benefit of Fijian owners—Plaintiff obtaining sublease of native land by representing that defendant was his wife and that property to be used for family home—Plaintiff subsequently leaving and allowing defendant to remain—Plaintiff later claiming vacant possession of property—Whether plaintiff estopped from denying defendant's right to remain—Whether defendant's right a 'dealing' in land requiring board's consent—Native Land Trust Act (Fiji), s 12. **Maharaj v Chand** [1986] 3 107, PC.

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HONG KONG

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Criminal law—

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Offence to 'cause' articles to be taken out of Hong Kong—Cause—Respondents hired to convey goods to fishing boat within territorial waters of Hong Kong—Fishing boat crew intending to take goods to China—Fishing boat failing to meet respondents at rendezvous—Whether respondents having control or influence over crew of fishing boat—Whether respondents 'causing' goods to be taken out of Hong Kong—Import and Export Ordinance (Hong Kong), s 18—Import and Export (General) Regulations (Hong Kong), reg 4. **A-G of Hong Kong v Tse Hung-lit** [1986] 3 173, PC.

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Taxation of costs. *See Costs—Taxation, ante.*

HOUSING

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Inadequate accommodation—Applicants living in temporary accommodation—Applicants applying for accommodation on ground that they were homeless because existing accommodation inadequate for their needs—Whether housing authority under duty to have regard to suitability of accommodation—Housing (Homeless Persons) Act 1977, ss 1, 4. **Puhlhofer v Hillingdon London BC** [1986] 1 467, HL.

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Notice to execute works—

Appeal to county court—Right of appeal not exercised—Effect—Notice final and conclusive as to any matter which could have been raised on appeal—Validity of notice—Whether recipient of notice entitled to question validity of notice after expiry of time for appeal—Housing Act 1957, ss 11(1), 37(1). **Pollway Nominees Ltd v Croydon London BC** [1986] 2 849, HL.

Service on person having control of house—Person receiving rack rent—Person who would receive rack rent if whole premises let at rack rent—Block of flats—Majority of flats let on long leases to occupying tenants at ground rents—Whether freeholder or occupying tenants entitled to receive hypothetical rack rent—Whether freeholder the person having control of premises—Whether freeholder required to execute repairs—Housing Act 1957, ss 9(1A), 39(2). **Pollway Nominees Ltd v Croydon London BC** [1986] 2 849, HL.

Local authority houses—

Tenant's right to buy—

Exclusion of exercise of right—**Enfield London BC v McKeon** [1986] 2 730, CA.

Exclusion of right—Order for possession of property—Order obtained after tenant claiming to exercise right to buy and serving notice to that effect—Whether right to buy 'exercised' once and for all on service of notice—Whether right exercisable from time to time between service of notice and completion of purchase—Whether order for possession can be obtained after service of notice and right to buy 'established'—Whether order for possession obtained after service of notice precluding exercise of right to buy—Housing Act 1980, ss 2(4)(b), 5(1), 10(1), 16(1), Sch 1, Pt II. **Enfield London BC v McKeon** [1986] 2 730, CA.

HUSBAND AND WIFE

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ILLEGALITY

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IMMIGRATION

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Immigration adjudicator—

Jurisdiction to dispense with oral hearing—Conditions to be satisfied—No party to appeal requesting hearing—Applicants instructing Immigrants Advisory Service to lodge appeal and request oral hearing—Advisory service failing to record applicants' change of address and unable to notify them of hearing date—Advisory service inviting adjudicator to dispense with oral hearing—Adjudicator dismissing appeal without hearing—Whether adjudicator entitled to dismiss appeal without hearing—Immigration Appeals (Procedure) Rules 1972, r 12. *Rahmani v Diggins* [1986] 1 921, HL.

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Bail—Detention pending hearing of application for leave to apply for judicial review—Grant of bail pending hearing of application—Immigration Act 1971, Sch 2, para 16. *R v Secretary of State for the Home Department, ex p Swati* [1986] 1 717, CA.

Leave to enter—

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Refugee—

Asylum—Jurisdiction of court—Applicant entering United Kingdom intending to seek asylum—Secretary of State deciding claim for asylum not made out—Secretary of State treating applicant as illegal entrant and ordering his removal—Whether court having jurisdiction to decide whether applicant a refugee—Whether Secretary of State required to order deportation rather than removal of applicant—Immigration Act 1971, s 4(1), Sch 2, para 9. *R v Secretary of State for Home Affairs, ex p Bugdaycay* [1986] 1 458, CA.

Refusal of leave—

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IMMUNITY

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IMPORTATION

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Prohibition on imports—

Application of EEC Treaty—

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Trust to provide benefits for employees receiving inadequate pensions—Payments by company to fund for purchase of shares in itself—Shares to be held for benefit of employees—Whether payment capital or revenue expenditure. **Jefferies (Inspector of Taxes) v Ringtons Ltd** [1986] 1 144, ChD.

Emoluments from office or employment—

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Emoluments received in respect of earlier years—Teacher suspended from duty on half salary—Salary withheld but subsequently paid on reinstatement—Whether income paid on reinstatement assessable by reference to year of receipt or year in which it was earned—Income Tax Ordinance (Trinidad and Tobago), ss 5(1)(e), 6. **Board of Inland Revenue v Suite** [1986] 2 577, PC.

Receipt 'from' employment—

Payment made in return for acting as or being an employee and for no other reason—Payment made in return for continuing in employment with loss of rights under employment protection legislation—Whether payment 'emolument' from employment—Income and Corporation Taxes Act 1970, ss 181, 183(1). **Hamblett v Godfrey (Inspector of Taxes)** [1986] 2 513, ChD.

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Deduction in computing profits. *See* **Deduction in computing profits, ante**.

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INDEMNITY

Broker—

Commodities market. *See* **Commodities market** (Broker—Indemnity).

Commodity broker. *See* **Commodities market** (Broker—Indemnity).

Charterparty—

Implied term. *See* **Shipping** (Charterparty—Implied term—Indemnity).

Costs—

Minority shareholder—

Action by minority shareholder—Generally. *See* **Company** (Minority shareholder—Action by minority shareholder—Costs—Indemnity).

Estoppel. *See* **Estoppel** (Indemnity).

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Marine insurance—

Measure of indemnity. *See* **Marine insurance** (Measure of indemnity).

INDICTMENT

Offence triable summarily or on indictment—

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INFANT

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Adoption. *See* **Adoption** (Access).

Adoption. *See* **Adoption**.

Care—

Local authority. *See* **Child** (Care—Local authority).

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INHERITANCE

Family provision. *See* **Family provision**.

INJUNCTION

Breach of confidence. *See* **Equity** (Breach of confidence—Injunction).

Breach of contract—

Procuring breach of contract—

Plaintiffs' contracts with third parties terminable by proper notice—Plaintiffs having agreements with tenants of public houses to supply and maintain coin-operated amusement machines—Agreements terminable on two weeks' notice—Defendants taking over management of public houses and requiring tenants to deal with nominated suppliers of amusement machines—Plaintiffs not included in defendants' list of nominated suppliers—Defendants requiring tenants to cease doing business with plaintiffs—Whether plaintiffs entitled to injunction restraining defendants from procuring breach of contracts between plaintiffs and tenants. **Cutsforth v Mansfield Inns Ltd** [1986] 1 577, QBD.

County court—

Jurisdiction—

Exclusion of party from matrimonial home. *See* **Exclusion of party from matrimonial home—County court—Jurisdiction, post**.

Generally. *See* **County court** (Jurisdiction—Injunction).

Defamation cases. *See* **Libel and slander** (Injunction).

INJUNCTION (cont)

Exclusion of party from matrimonial home—
County court—

Jurisdiction—Application for injunction made in course of custody proceedings—Power to grant interlocutory injunction excluding father of child from property—Mother and father joint tenants of property but not married to each other—Parties not living in property as husband and wife—Mother marrying someone else and wishing to bring husband to live in property with her and child—Whether court having jurisdiction to grant injunction sought—Whether mother having legal right to exclude father of child from property—Guardianship of Minors Act 1971—Supreme Court Act 1981, s 37—County Courts Act 1984, s 38. **Ainsbury v Millington** [1986] 1 73, CA.

Interlocutory—

Breach of EEC Treaty provisions. *See* **European Economic Community** (Treaty provisions—Breach of treaty provisions—Injunction to restrain breach).

Danger that defendant may transfer assets out of jurisdiction—

Practice—Generally. *See* **Practice** (Pre-trial relief—Mareva injunction).

Writ of ne exeat regno in support of injunction—Jurisdiction to issue writ. *See* **Equity** (Ne exeat regno—Writ—Application for writ and Mareva injunction).

Defamation cases. *See* **Libel and slander** (Injunction—Interlocutory).

Injunction restraining defendant from leaving jurisdiction—

Plaintiffs obtaining relief in Mareva and Anton Piller forms pending hearing of action in respect of distribution and sale of counterfeit goods—Real risk of defendant evading execution of orders unless restrained from leaving jurisdiction—Whether jurisdiction to order that defendant be restrained from leaving jurisdiction—Whether appropriate in circumstances to make order—Supreme Court Act 1981, s 37(1). **Bayer AG v Winter** [1986] 1 733, CA.

Judicial review proceedings—

Interim injunction against officer of Crown—Jurisdiction to grant injunction. *See* **Crown** (Relief against the Crown—Interlocutory relief—Injunction against officer of Crown).

Mandatory injunction—

Circumstances in which mandatory injunction may be granted in interlocutory proceedings—Test to be applied. **Locabail International Finance Ltd v Agroexport, The Sea Hawk** [1986] 1 901, CA.

Circumstances in which mandatory injunction may be granted in interlocutory proceedings—Test of whether injustice to defendant if plaintiff granted injunction but failing at trial outweighing injustice to plaintiff if injunction refused but plaintiff succeeding at trial. **Films Rover International Ltd v Cannon Film Sales Ltd** [1986] 3 786, ChD.

Libel and slander actions. *See* **Libel and slander** (Injunction).

Mandatory injunction—

Interlocutory. *See* **Interlocutory**—Mandatory injunction, *ante*.

Mareva injunction—

Generally. *See* **Practice** (Pre-trial relief—Mareva injunction).

INQUEST

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INSOLVENCY

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INSURANCE

Illegality—

Restriction on carrying on insurance business—

Insurance business carried on without authority of Secretary of State—Effect of illegality on reinsurance—Plaintiff insurance company writing aviation contingency insurance without authorisation—Plaintiffs reinsuring risks with defendants—Whether illegality of original contracts affecting reinsurance contract—Whether original contract void—Insurance Companies Act 1974, ss 11(1), 83(4)—Insurance Companies (Classes of General Business) Regulations 1977, Sch 1 class 16. **Phoenix General Insurance Co of Greece SA v Halvanon Insurance Co Ltd, Phoenix General Insurance Co of Greece SA v Administratia Asigurarilor de Stat** [1986] 1 908, QBD.

Marine insurance. *See* **Marine insurance**.

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National insurance. *See* **Social security**.

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Carriage of goods by air—

International carriage—Limitation of carrier's liability. *See* **Carriage by air** (Carriage of goods—International carriage—Limitation of carrier's liability—Interest on damages).

Jurisdiction to include interest in award of damages—

Lands Tribunal—Coal mining subsidence cases. *See* **Coal mining** (Subsidence—Compensation for subsidence damage—Determination of disputes—Interest).

Payment of damages prior to hearing—Plaintiff claiming damages and interest—Defendants paying sum due in respect of claim for damages but refusing to pay interest—Plaintiff appropriating payment to principal only and seeking summary judgment for interest—Whether court having jurisdiction to award interest if damages paid prior to hearing—Supreme Court Act 1981, s 35A. **Edmunds v Lloyd Italico e L'Ancora Cia di Assicurazioni e Riassicurazioni SpA** [1986] 2 249, CA.

Land—

Charging order. *See* **Execution** (Charging order—Land—Interest in land).

INTERLOCUTORY INJUNCTION

Defamation cases. *See* **Libel and slander** (Injunction—Interlocutory).

Generally. *See* **Injunction** (Interlocutory).

Mareva injunction. *See* **Practice** (Pre-trial relief—Mareva injunction).

INTERLOCUTORY PROCEEDINGS

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Practice—

Generally. *See* **Practice** (Interlocutory proceedings).

INTERNATIONAL CARRIAGE BY AIR

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INTERNATIONAL TIN COUNCIL

Immunity from suit. *See* **Constitutional law** (Foreign sovereign state—Immunity from suit—International organisation).

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Mareva injunction—

Interrogatory in aid of injunction. *See* **Practice** (Pre-trial relief—Mareva injunction—Discovery or interrogatory in aid of injunction).

INTESTACY

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Generally. *See* **Family provision**.

Succession—

Conflict of laws. *See* **Conflict of laws** (Succession—Intestacy).

INVALID CARE ALLOWANCE

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ISSUE ESTOPPEL

Generally. *See* **Estoppel** (Issue estoppel).

JOINT TENANCY

Charging order. *See* **Execution** (Charging order—Land—Interest in land—Joint tenancy).

Severance—

Land held as joint tenancy at law—

Purchase price paid in unequal shares—Lease of business premises—Two companies sharing leased accommodation for separate commercial interests—Parties dividing floor space unequally and paying all costs pro rata—Whether parties holding beneficial interest as joint tenants or as tenants in common in unequal shares. **Malayan Credit Ltd v Jack Chia-MPH Ltd** [1986] 1 711, PC.

Land held on trust for sale—

Severance of joint tenancy—Beneficial interests—Conveyance to plaintiff and defendant as joint tenants—Declaration of trust that plaintiff and defendant to hold on trust for themselves as joint tenants—Whether terms of declaration conclusive of parties' beneficial interests. **Goodman v Gallant** [1986] 1 311, CA.

JUDGMENT

Alteration—

Variation of decision after judgment delivered—

Judge's power to recall and change judgment—Judgment dismissing application—Order not drawn up or perfected—Judge changing mind and deciding to grant application—Whether judge entitled to recall judgment and change decision. **Pittalis v Sherefettin** [1986] 2 227, CA.

Declaratory judgment—

Generally. *See* **Declaration**.

Execution—

Generally. *See* **Execution**.

Summary judgment—

Generally. *See* **Practice** (Summary judgment).

JUDGMENT DEBT

Examination of judgment debtor—

Practice. *See* **Execution** (Discovery in aid of execution—Examination of judgment debtor—Practice).

JUDICIAL REVIEW

Availability of remedy—

Alternative remedy available—

Alternative remedy by way of appeal—Whether availability of alternative remedy precluding application for judicial review. **R v Inland Revenue Comrs, ex p Opman International UK** [1986] 1 328, QBD.

Alternative remedy not pursued—Immigration officer refusing applicant leave to enter United Kingdom—Applicant not pursuing statutory right of appeal—Whether appropriate to grant leave to apply for judicial review—Immigration Act 1971, s 13. **R v Secretary of State for the Home Department, ex p Swati** [1986] 1 717, CA.

Discretion of court to grant relief—Disciplinary proceedings—Complaint against police officer—Police regulations requiring notification of complaints to officer 'as soon as practicable'—Officer not notified until two years after complaints made—Chief constable determining charge arising out of complaint despite delay in giving notice—Officer not pursuing internal appeal—Officer applying for judicial review of chief constable's determination—Whether judicial review should be granted despite availability of internal appeal—Police (Discipline) Regulations 1977, reg 7. **R v Chief Constable of the Merseyside Police, ex p Calveley** [1986] 1 257, CA.

JUDICIAL REVIEW (cont)

Availability of remedy (cont)—

Alternative remedy available (cont)—

Discretion of court to grant relief—Appeal against assessments to income tax—Benefit to applicants—Transaction involving acquisition and disposal of land—Inspector making assessments on grounds that applicants had directly or indirectly provided opportunity for another person to realise a gain—No evidence that applicants beneficially entitled to land or gain—Whether inspector acting improperly in exercising his power to raise assessments—Whether applicants' inability to recover costs if successful in appeal before Special Commissioners a ground for granting leave to apply for judicial review. **R v Inspector of Taxes, ex p Kissane** [1986] 2 37, QBD.

Companies registrar—

Decision to register charge—Charge registered despite defects in application for registration—Whether registrar's decision to register charge open to judicial review—Whether fact that certificate of registration conclusive precluding judicial review of decision—Companies Act 1948, s 98(2)—Tribunals and Inquiries Act 1971, s 14(1). **R v Registrar of Companies, ex p Central Bank of India** [1986] 1 105, CA.

Costs of application—

Application abandoned—

Revenue delaying determination on company's liability to tax—Company granted leave to apply for judicial review—No warning of proceedings given to Revenue—Revenue making determination in company's favour after granting of leave—Company abandoning application—Whether company entitled to costs of application for judicial review. **R v Inland Revenue Comrs, ex p Opman** International UK [1986] 1 328, QBD.

Disciplinary proceedings—

Judicial review of decision in disciplinary proceedings—

Availability of remedy—Alternative remedy available. *See* Availability of remedy—Alternative remedy available—Discretion of court to grant relief—Disciplinary proceedings, *ante*.

Duty to give reasons—

Local authority—

Local authority refusing discretionary grant for university education—Local authority stating merely that it considered circumstances of case—Whether local authority must disclose reasons—Education Act 1962, s 1(6). **R v Lancashire CC, ex p Huddleston**

Injunction—

Interim injunction against officer of Crown—

Jurisdiction to grant injunction against officer of Crown in judicial review proceedings. *See* Crown (Relief against the Crown—Interlocutory relief—Jurisdiction—Injunction against officer of Crown—Interim injunction—Judicial review proceedings).

Social security commissioner's decision—

Decision to refuse leave to appeal—

Onus on applicant for judicial review. *See* Social security (Appeal—Decision of social security commissioner—Decision to refuse leave to appeal—No reasons given for decision—Judicial review of decision).

JURY

Juror—

Discharge during trial—

Discretion to discharge juror—Exercise of discretion—Juror's wife employed at same place as defendants—Juror making known his anti-defence views—Juror discharged—Discharged juror giving other jurors lifts to and from court—Whether likelihood that discharged juror expressed his anti-defence views to those jurors could be discounted—Whether convictions unsafe. **R v Smalls** [1986] 2 928, HL.

Verdict—

Trinidad and Tobago. *See* Trinidad and Tobago (Jury—Verdict).

JUSTICES

Generally. *See* Magistrates.

LAND

Charge. *See* Land charge.

Charging order. *See* Execution (Charging order—Land).

Compulsory purchase—

Generally. *See* Compulsory purchase.

Dealing with land—

Fiji. *See* Fiji (Land—Dealing with land).

Displacement from land—

Compensation. *See* Compensation (Displacement from land).

Fiji. *See* Fiji (Land).

Joint tenancy—

Generally. *See* Joint tenancy.

Mortgage. *See* Mortgage.

Native lands—

Unlawful dealing—

Fiji. *See* Fiji (Land—Dealing with land—Native land).

Recovery of possession—

Summary proceedings. *See* Summary proceedings for possession, *post*.

Registration—

Generally. *See* Land registration.

Sale—

Generally. *See* Sale of land.

LAND (cont)

Summary proceedings for possession—

Execution of possession order—

Writ of restitution—Leave to issue writ of restitution—Plaintiffs' land occupied by group of squatters—Order for possession obtained by plaintiffs in 1983—In 1985 group of squatters found to be living on same land—Plaintiffs seeking to issue writ of restitution—Whether necessary to show that all those occupying land were in unlawful occupation when original order for possession obtained. *Wiltshire CC v Frazer* [1986] 1 65, QBD.

LAND CHARGE

Registration—

Dispute regarding registration—

Service of originating summons to determine dispute impossible—Diplomatic privilege—Local authority registering local land charges in respect of building formerly used as Iranian embassy—Authority issuing summons to determine whether charges could be registered in land registry—Summons unable to be served on Iranian government—Whether court could hear and determine summons in absence of service on Iranian government—State Immunity Act 1978, s 12(1)—RSC Ord 32, r 5(1). *Westminster City Council v Government of the Islamic Republic of Iran* [1986] 3 284, ChD.

Order appointing receiver—

Receiver appointed by court to manage property—Tenanted property in disrepair—Tenant obtaining order appointing receiver to manage property—Tenant lodging caution against landlords' title in respect of receivership order—Whether receivership order registrable against landlords' title—Whether tenant a 'person interested' in land—Land Registration Act 1925, ss 54(1), 59(5)—Land Charges Act 1925, s 6(1)(b). *Clayhope Properties Ltd v Evans* [1986] 2 795, CA.

LAND REGISTRATION

Overriding interest—

Rights of person in actual occupation of land—

Parents and daughter and son-in-law jointly purchasing house—Conveyance in names of daughter and son-in-law only—Parents occupying house as their home—Daughter and son-in-law mortgaging property without parents' knowledge or consent—Possession sought by mortgagee—Whether parents having an 'overriding interest'—Whether disposition by two trustees for sale overreaching parents' equitable interest—Land Registration Act 1925, s 70(1)(g)—Law of Property Act 1925, ss 2(1)(ii), 14. *City of London Building Society v Flegg* [1986] 1 989, CA.

LANDLORD AND TENANT

Agricultural holding—

Generally. *See* Agricultural holding.

Assignment of lease—

Consent of landlord not to be unreasonably withheld—

Consent withheld on grounds of apprehended depreciation of value of reversion—Whether landlord need only take into account his own interests when considering whether to withhold consent. *International Drilling Fluids Ltd v Louisville Investments (Uxbridge) Ltd* [1986] 1 321, CA.

Property intended to be used by proposed assignee in accordance with specific purpose permitted under lease—Consent withheld on grounds of proposed use—Whether consent unreasonably withheld. *International Drilling Fluids Ltd v Louisville Investments (Uxbridge) Ltd* [1986] 1 321, CA.

Covenant against assignment—

Consent of landlord. *See* Covenant against assignment without consent, *post*.

Business premises—

Contracting out—

Agreement by landlord and tenant excluding statutory provisions governing security of tenure—Order of court authorising agreement—Acceptance of rent pending application for court order—Application for order never made—Whether payment and receipt of rent creating periodic tenancy—Whether parties intending to create periodic tenancy—Landlord and Tenant Act 1954, s 38(4). *Cardiothoracic Institute v Shrewdcrest Ltd* [1986] 3 633, ChD.

Notice by landlord to terminate tenancy—

Time—Computation of time—Tenant entitled to 'not less than 3 months' previous notice—Landlord requiring tenant to vacate premises 'within' three months—Whether notice having effect of giving tenant less than three months' notice—Whether notice valid. *Manorlike Ltd v Le Vitas Travel Agency and Consultancy Services Ltd* [1986] 1 573, CA.

Occupied for business purposes—

Business purposes—Government department—Occupation for purposes of government department—Lease of premises to Secretary of State for Social Services—Premises converted into flats occupied by persons employed in national health service hospitals—Flats managed by local area health authority under delegated powers and let to employees of health authority—Whether Secretary of State entitled to new tenancy—Whether Secretary of State in occupation of premises—Whether premises 'occupied for any purposes of a Government department'—Whether area health authority acting as agent for Secretary of State—Whether authority's occupation to be treated as occupation by Secretary of State—Landlord and Tenant Act 1954, ss 23(1)(3), 56(3). *Linden v Department of Health and Social Security*. [1986] 1 691, ChD.

Rent. *See* Rent—Business premises, *post*.

Contracting out of statutory provisions regarding security of tenure—

Business premises. *See* Business premises—Contracting out, *ante*.

Covenant—

Assignment—

Consent. *See* Covenant against assignment without consent, *post*.

LANDLORD AND TENANT (cont)

Covenant (cont)—

Quiet enjoyment—

Limited covenant—Protection provided by covenant—Persons against whose acts covenant protects lessee—Persons claiming under landlord—Covenant that tenant entitled to hold demised premises without interruption by landlord or any person lawfully claiming through or under landlord—Predecessor in title of landlord granting right of way to tenant to build car wash on right of way granted to other tenants—Other tenants obtaining injunction restraining construction of car wash—Tenant claiming contribution from landlord—Whether injunction an interruption of tenant's quiet enjoyment by persons 'claiming under' landlord—Whether other tenants 'claiming under' landlord—Whether landlord liable to tenant under covenant for quiet enjoyment. **Celsteel Ltd v Alton House Holdings Ltd (No 2)** [1986] 1 598, ChD.

Service agreement—

Covenant in lease to execute service agreement—Specific performance. *See* **Specific performance** (Personal services—Service agreement in lease—Covenant in lease to execute service agreement).

Underletting—

Consent. *See* **Covenant against underletting without consent, post**.

Covenant against assignment without consent—

Covenant against assigning or underletting 'any part' of premises without consent—

Whether tenant entitled to assign or underlet whole of premises without consent—Whether 'any part' of the premises including the whole. **Field v Barkworth** [1986] 1 367, ChD.

Covenant against underletting without consent—

Covenant against assigning or underletting 'any part' of premises without consent. *See* **Covenant against assignment without consent—Covenant against assigning or underletting 'any part' of premises without consent, ante**.

Fixtures—

Generally. *See* **Lease—Fixtures, post**.

Freehold—

Acquisition by long leaseholder. *See* **Leasehold enfranchisement, post**.

Lease—

Assignment. *See* **Assignment of lease, ante**.

Fixtures—

Trade fixtures—Removal of trade fixtures—Waste—Pipes and extractor fans installed by 'drilling holes in walls of building—Subsequent tenant or licensee lawfully removing fixtures but without filling in holes—Building ceasing to be weatherproof—Whether subsequent tenant or licensee under obligation to fill in holes—Whether waste occurring when holes made or when fixtures removed. **Mancetter Developments Ltd v Garmanson Ltd** [1986] 1 449, CA.

Leasehold enfranchisement—

Tenancy at a low rent—

Letting value—Premium paid for grant of lease—Determination of 'letting value'—Whether letting value to be construed as including or excluding decapitalised annual value of premium—Whether annual value of premium should be determined on purely actuarial basis—Leasehold Reform Act 1967, s 4(1) proviso. **Johnston v Duke of Westminster** [1986] 2 613, HL.

Long leasehold—

Acquisition of freehold or extended lease. *See* **Leasehold enfranchisement, ante**.

Notice to quit—

Agricultural holding. *See* **Agricultural holding** (Notice to quit).

Business premises—

Generally. *See* **Business premises—Notice by landlord to terminate tenancy, ante**.

Nuisance—

Liability of landlord for nuisance. *See* **Nuisance** (Landlord's liability).

Opposition to grant of new tenancy of business premises—

Interim rent. *See* **Rent—Business premises—Interim rent, post**.

Rent—

Business premises—

Interim rent—Date from which interim rent payable—Tenant applying for new tenancy—Landlord applying for determination of interim rent in answer to the tenant's application—Landlord subsequently giving notice of application for determination of interim rent—Whether rent to be fixed at date of landlord's answer or date of notice of application—Landlord and Tenant Act 1954, s 24A(2)—CCR Ord 13, r 1. **Thomas v Hammond-Lawrence** [1986] 2 214, CA.

Restriction. *See* **Rent restriction**.

Review—

Arbitration—Leave to appeal against award. *See* **Arbitration** (Award—Leave to appeal against award—Factors to be considered by court when deciding whether to grant leave—Rent review).

Basis of rent review—Terms 'other than the amount of rent hereby reserved'—Rent review to be undertaken on basis of terms of lease 'other than the amount of rent hereby reserved'—Whether 'amount of rent' referring only to fixed amount of rent payable immediately before rent review—Whether 'amount of rent' including rent ascertained by a formula under a rent review—Whether provisions for future rent reviews to be taken into account on rent review. **Datastream International Ltd v Oakeep Ltd** [1986] 1 966, ChD.

Basis of rent review—Terms 'other than those relating to rent'—Rent review to be undertaken on basis of terms of lease 'other than those relating to rent'—Whether terms 'relating to rent' referring only to amount of rent payable immediately before rent review—Whether terms 'relating to rent' including terms relating to rent reviews—Whether provisions for future rent reviews to be taken into account on rent review. **MFI Properties Ltd v BICC Group Pension Trust Ltd** [1986] 1 974, ChD.

Basis of rent review—Terms 'other than as to the yearly rent'—Rent review to be undertaken on basis of terms of lease 'other than as to the yearly rent'—Whether terms 'as to the yearly rent' referring only to amount of rent payable immediately before rent review—Whether terms 'as to the yearly rent' including terms relating to rent reviews—Whether provisions for future rent reviews to be taken into account on rent review. **British Gas Corp v Universities Superannuation Scheme Ltd** [1986] 1 978, ChD.

LANDLORD AND TENANT (cont)

Rent (cont)—

Review (cont)—

Failure to comply with time limits—Presumption that time not of essence—Correlation between rent review clause and time limit in tenant's break clause—Both parties having option to initiate rent review—Rent review clause providing for arbitration to determine new rent on parties' failure to agree—Arbitrator's decision to be obtained within specified time limit—Landlord serving notice of rent review after expiry of time limit—Whether correlation between rent review clause and break clause making time of essence—Whether presumption that time not of the essence displaced. **Metrolands Investments Ltd v JH Dewhurst Ltd** [1986] 3 659, CA.

Security of tenure—

Contracting out of statutory provisions governing security of tenure—Business premises. *See* Business premises—Contracting out, *ante*.

Trade fixtures. *See* Lease—Fixtures—Trade fixtures, *ante*

LANDS TRIBUNAL

Jurisdiction—

Compensation—

Disputes—Compensation for coal mining subsidence damage. *See* Coal mining (Subsidence—Compensation for subsidence damage—Determination of disputes).

LEASE

Assignment—

Landlord and tenant. *See* Landlord and tenant (Assignment of lease).

Business premises. *See* Landlord and tenant (Business premises).

Generally. *See* Landlord and tenant.

Service agreement in lease—

Specific performance. *See* Specific performance (Personal services—Service agreement in lease).

LEASEHOLD ENFRANCHISEMENT

See Landlord and tenant (Leasehold enfranchisement).

LEASEHOLD INTEREST

Contract for sale of—

Rescission of contract. *See* Sale of land (Rescission of contract—Contract for sale of leasehold interest).

LEAVE

Leave to defend—

Summary judgment—

Practice. *See* Practice (Summary judgment—Leave to defend).

LEGAL AID

Costs—

Remuneration of persons giving legal aid—

Restriction on payment otherwise than from legal aid fund—Legal aid certificate issued in connection with proceedings—Proceedings—Proceedings incidental to main action—Whether solicitor giving legal aid in connection with incidental proceedings precluded from charging for work done in connection with main action—Whether solicitor precluded from claiming lien on papers pertaining to main action—Legal Aid (General) Regulations 1980, reg 65. **Littaur v Steggle Palmer (a firm)** [1986] 1 780, CA.

Criminal cases—

Refusal of legal aid—

Review of decision to refuse legal aid—When application for review to be made—Application required to be made no later than 21 days before 'date fixed for ... trial ... or ... inquiry'—Offence triable either way—Magistrates refusing legal aid—Magistrates refusing to allow review of refusal because application made within 21 days of defendant's first appearance in court—Whether first appearance in court is 'date fixed for ... trial ... or ... inquiry'—Legal Aid in Criminal Proceedings (General) Regulations 1968, reg 6E(2)(c). **R v Bury Magistrates, ex p N (a minor)** [1986] 3 789, QBD.

Magistrates' court—

Criminal cases. *See* Criminal cases, *ante*.

Remuneration of persons giving legal aid. *See* Costs—Remuneration of persons giving legal aid, *ante*.

LIBEL AND SLANDER

Injunction—

Interlocutory—

Justification—Inseparable allegations—Common sting—Article containing a number of inseparable allegations—Defendants unable to prove particular allegation complained of—Defendants intending to justify common sting of allegations—Whether plaintiff entitled to interlocutory injunction restraining publication of article. **Khashoggi v IPC Magazines Ltd** [1986] 3 577, CA.

Justification—

Duty of defendant—

Particulars of justification—Defendant required to make clear meaning he seeks to justify. **Lucas-Box v News Group Newspapers Ltd, Lucas-Box v Associated Newspapers Group plc** [1986] 1 177, CA.

Interlocutory injunction. *See* Injunction—Interlocutory—Justification, *ante*.

Particulars. *See* Particulars—Justification, *post*.

Particulars—

Justification—

Fair comment—Particulars of words not complained of in statement of claim—Publication not severable into parts—Natural and ordinary meaning—Plaintiff applying to strike out particulars in defence not concerned with words complained of—Whether defendant entitled to plead justification or fair comment as to whole publication—Whether defamatory statement complained of separate and distinct from other defamatory statements contained in publication. **Polly Peck (Holdings) plc v Trelford** [1986] 2 84, CA.

LIBEL AND SLANDER (cont)

Particulars (cont)—

Justification (cont)—

Fair comment—Two or more distinct charges against plaintiff—Newspaper article—Plaintiff complaining of certain words in article—Words complained of containing only one charge—Whether defendant entitled to rely on whole article to justify separate charges in article against plaintiff—Defamation Act 1952, s 5. *Polly Peck (Holdings) plc v Trelford* [1986] 2 84, CA.

Pleading—

Particulars. *See* Particulars, *ante*.

LICENSING

Sex establishment. *See* Sex establishment (Control-Licensing).

LIGHT

Easement. *See* Easement (Light).

LIMITATION OF ACTION

Accrual of cause of action—

Patent—

Infringement. *See* Patent (Infringement—Accrual of cause of action).

Personal injury claim—

When time begins to run. *See* When time begins to run—Personal injury claim, *pos*.

Public utility undertaking. *See* Public utility undertaking (Limitation of action).

When time begins to run—

Actions in tort—

Accrual of cause of action—Negligence—Damage—Lapse of time between alleged negligent act and occurrence of damage—Action against surveyors in respect of survey report on building—Plaintiffs entering into lease of building in reliance on report—Defects in building developing after plaintiffs entered into lease—Whether limitation period running from date when plaintiffs acted on report or from date damage appearing. *Secretary of State for the Environment v Essex Goodman & Suggitt (a firm)* [1986] 2 69, QBD.

Patent—

Infringement. *See* Patent (Infringement—Accrual of cause of action).

Personal injury claim—

Plaintiff's knowledge—Date on which plaintiff first had knowledge that injury attributable to defendant's act or omission—Attributable—Plaintiff aware of broad failure by employer to provide safe working conditions—Plaintiff not knowing particular breaches of duty by employer—Whether time running from date when plaintiff became aware of employer's broad failure—Whether time not running until defendant's acts or omissions could be particularised—Limitation Act 1980, ss 11(4)(b), 14(1)(b)(3)(b). *Wilkinson v Ancliff (BLT) Ltd* [1986] 3 427, CA.

LIMITATION OF LIABILITY

Building contract—

Contractor—

Liability for loss or damage. *See* Building contract (Contractor—Liability for loss or damage—Limitation of liability).

Magistrates—

Damages. *See* Magistrates (Civil liability—Limitation of damages).

Shipping. *See* Shipping (Limitation of liability).

LIQUIDATOR

Company—

Voluntary winding up. *See* Company (Voluntary winding up—Liquidator).

LISTED BUILDING

See Town and country planning (Building of special architectural or historic interest).

LOCAL AUTHORITY

Appointment of committee—

Delegation of functions to committee—

Committee—Committee of one—Local authority delegating enforcement proceedings to chairman of planning committee—Whether local authority able to delegate functions to single councillor—Whether committee of one constituting a 'committee'—Local Government Act 1972, s 101(1). *R v Secretary of State for the Environment, ex p Hillingdon London BC* [1986] 1 810, QBD, [1986] 2 273, CA.

Child—

Care. *See* Child (Care—Local authority).

Committee—

Appointment. *See* Appointment of committee, *ante*.

Compulsory acquisition of land—

Generally. *See* Compulsory purchase.

Delegation of functions to committee. *See* Appointment of committee—Delegation of functions to committee, *ante*.

Education—

Grant for university study. *See* Education (University—Grant for study).

Homeless persons—

Housing. *See* Housing (Homeless persons).

Housing—

Generally. *See* Housing.

Misuse of statutory powers.

Generally. *See* Public authority (Statutory powers—Misuse of powers).

Planning authority. *See* Town and country planning.

Rates. *See* Rates.

Sex establishments—

Licensing. *See* Sex establishment (Control-Licence).

Statutory powers—

Generally. *See* Public authority (Statutory powers).

LOCAL AUTHORITY (cont)

Town and country planning—

Generally. *See* **Town and country planning**.

Wardship proceedings—

Minor in care of local authority—

Generally. *See* **Child** (Care—Local authority—Wardship proceedings).

LOCAL GOVERNMENT

Expenditure—

Payment out of general rate fund—

Forward funding—Rates limited to amount 'sufficient ... to defray ... expenditure which may fall to be defrayed'—Greater London Council making forward funding arrangements for voluntary organisations in anticipation of GLC's abolition—Whether local authority's expenditure has to be referable to year in which rate levied—Whether GLC's forward funding proposals ultra vires—General Rate Act 1967, s 11. **Westminster City Council v Greater London Council** [1986] 2 278, HL.

London. *See* **London** (Local government).

LONDON

Local government—

Consultation between authorities—

Greater London Council required to consult London boroughs about proposals involving expenditure—GLC deciding to make grants to voluntary organisations without consulting London boroughs—Whether grants ultra vires—Local Government (Interim Provisions) Act 1984, s 11. **Westminster City Council v Greater London Council** [1986] 2 278, HL.

LONG LEASE

Acquisition of freehold and extended lease. *See* **Landlord and tenant** (Leasehold enfranchisement).

LONG VACATION

Court of Appeal—

Practice. *See* **Court of Appeal** (Practice—Long vacation).

MAGISTRATES

Bail. *See* **Criminal law** (Bail).

Civil liability—

Limitation of damages—

Magistrates acting without jurisdiction—Magistrates committing applicant to prison for default in maintenance order payments—Maintenance order subsequently found not to have been registered—Magistrates having no jurisdiction to commit applicant—Applicant granted certiorari quashing committal order—Applicant claiming damages against magistrates—Whether damages limited to 1p—Justices of the Peace Act 1979, s 52(1). **R v Waltham Forest Justices, ex p Solanke** [1986] 2 981, CA.

Husband and wife—

Generally. *See* **Husband and wife**.

Legal aid—

Criminal cases—

Generally. *See* **Legal aid** (Criminal cases—Magistrates).

Procedure—

Service of documents—

Document required to be served on defendant. *See* **Practice** (Service—Document required to be served on defendant—Magistrates' court proceedings).

Summary trial—

Offence triable summarily or on indictment—

Decision to proceed with summary trial of juvenile—Differently constituted bench refusing to proceed with summary trial and committing defendant for trial at Crown Court—Whether magistrates having power to review a properly considered decision as to mode of trial before summary or committal proceedings commence—Magistrates' Courts Act 1980, s 24(1)(a). **R v Newham Juvenile Court, ex p F (a minor)** [1986] 3 17, QBD.

MAINTENANCE

Husband and wife—

Variation or discharge of maintenance order. *See* **Husband and wife** (Variation or discharge of maintenance order).

Minor. *See* **Minor** (Maintenance).

MALICIOUS PROSECUTION

Abuse of process of court—

Tort of abuse of process distinguished from malicious prosecution. *See* **Tort** (Abuse of process—Actionable abuse of process of court—Elements of tort).

MANDATORY INJUNCTION

Interlocutory—

Generally. *See* **Injunction** (Interlocutory—Mandatory injunction).

MAREVA INJUNCTION

Generally. *See* **Practice** (Pre-trial relief—Mareva injunction).

Writ of ne exeat regno in support of. *See* **Equity** (Ne exeat regno—Writ—Application for writ and Mareva injunction).

MARINE INSURANCE

Measure of indemnity—

Bailee clause—

Expenses incurred by assured in bringing action against carriers to preserve time-bar—Clause providing that assured under duty to ensure that all rights against carriers were properly preserved and exercised—No express provision in contract entitling assured to recover expenses of preserving rights against carriers—Whether term could be implied—Whether expenses recoverable from insurers—*Institute Cargo Clauses (All Risks)* 1 January 1963 edn, cl 9. *Netherlands Insurance Co Est 1845 Ltd v Karl Ljungberg & Co AB, The Mammoth Pine* [1986] 3 767, PC.

MARK

Trade. *See* Trade mark.

MARRIAGE

Dissolution. *See* Divorce.

MASTER AND SERVANT

Generally. *See* Employment.

MATRIMONIAL CAUSE

Transfer of proceedings between High Court and county courts—

Practice. *See* Practice (Transfer of proceedings between High Court and county courts—Family business and family proceedings).

MATRIMONIAL HOME

Injunction—

Exclusion of party from matrimonial home. *See* Injunction (Exclusion of party from matrimonial home).

MEDICAL PRACTITIONER

Negligence—

Burden of proof—

Failure to take step in treatment designed to avert or minimise risk—Whether onus of proof on doctor to prove plaintiff's injuries not caused by failure to take step. *Wilsher v Essex Area Health Authority* [1986] 3 801, CA.

Causation—

Breach of duty causing or materially contributing to damage—Enhancement of existing risk—Doctor's negligence merely one of several factors which could have caused injury—Existence and extent to which doctor's negligence contributed to plaintiff's injury not able to be ascertained—Whether doctor liable for breach of duty. *Wilsher v Essex Area Health Authority* [1986] 3 801, CA.

Damages—

Aggravated damages. *See* Damages (Personal injury—Aggravated damages—Medical negligence).

Grief. *See* Damages (Personal injury—Grief—Medical negligence).

Duty of care—

Standard of care—Specialist hospital unit—Duty and standard of care required of specialist unit—Junior doctor in unit inserting catheter into baby's vein instead of artery—Junior doctor consulting senior registrar who failed to notice error—Senior registrar subsequently making same error—Baby given excess oxygen as result of error—Whether health authority could be directly liable for failure to provide proper staff for unit—Whether any concept of team negligence—Whether inexperience of doctor a defence. *Wilsher v Essex Area Health Authority* [1986] 3 801, CA.

Surgery—

Failure to warn of result of surgery—Failure to warn that result of surgery might be naturally reversed—Vasectomy—Failure to warn that patient might regain fertility—Patient's wife becoming pregnant—Wife not aware of pregnancy until too late for abortion—Whether failure to give warning a breach of surgeon's duty of care—Whether damage consisting of pregnancy or of not knowing of pregnancy until too late for abortion. *Thake v Maurice* [1986] 1 497, CA.

Partnership—

Restraint of trade. *See* Restraint of trade by agreement (Partnership—Medical partner hip).

Surgery—

Contract with patient—

Collateral warranty—Breach. *See* Contract (Warranty—Collateral warranty—Breach—Surgery).

Nature of contract. *See* Contract (Surgery—Nature of contract).

Negligence. *See* Negligence—Surgery, *ante*.

MEDICINE

Drugs. *See* Drugs.

Prescription only medicine—

Sale by retail. *See* Sale by retail—Prescription only medicine, *post*.

Sale by retail—

Prescription only medicine—

Offence—Sale or supply otherwise than in accordance with prescription—Whether offence of strict liability—Whether prosecution must prove mens rea where prescription only medicine supplied in accordance with forged prescription—Medicines Act 1968, s 58(2)(a). *Pharmaceutical Society of Great Britain v Storkwain Ltd* [1986] 2 635, HL.

MEN AND WOMEN

Discrimination—

Employment—

Generally. *See* Employment (Discrimination).

Equal treatment—

European Economic Community. *See* European Economic Community (Equality of treatment of men and women).

Equality of treatment—

European Economic Community. *See* European Economic Community (Equality of treatment of men and women).

MENTAL HEALTH

Admission of patient to hospital—

Admission for treatment—

Detention of patient in hospital—Out-patient refusing medication—Out-patient detained in hospital for one night and next day granted leave of absence subject to conditions—Whether 'admission for treatment' restricted to treatment in hospital as an in-patient—Whether doctor entitled to detain patient with a view to attaching conditions to him being an out-patient—Whether patient's liberty infringed—Mental Health Act 1983, ss 3, 20(3)(4)(c). **R v Hallstrom**, ex p **W** (No 2), **R v Gardner**, ex p **L** [1986] 2 306, QBD.

Leave of absence—Revocation of leave of absence—Patient ceasing to be liable to be recalled to hospital if on leave of absence continuously for six months—Whether leave of absence can be revoked to prevent patient being continuously on leave of absence for six months—Mental Health Act 1983, s 17(4)(5). **R v Hallstrom**, ex p **W** (No 2), **R v Gardner**, ex p **L** [1986] 2 306, QBD.

Court of Protection—

Practice—

Enduring powers of attorney. *See* **Power of attorney** (Enduring power of attorney—Court of Protection).

Enduring powers of attorney. *See* **Power of attorney** (Enduring power of attorney).

Mental health review tribunal—

Decision—

Reasons for decision—Adequacy of reasons—Decision not to direct discharge of patient—Tribunal stating that they were not satisfied as to specified matters—Tribunal not indicating whether they considered patient was suffering from mental disorder or whether patient's detention was necessary for protection of others—Tribunal merely stating they were not satisfied patient's improved behaviour within hospital would be maintained in community—Whether tribunal's reasons adequate—Whether patient and doctor in charge of treatment entitled to know why application for discharge not succeeding—Mental Health Act 1983, s 72(1)(b)(i)(ii). **R v Mental Health Review Tribunal**, ex p **Pickering** [1986] 1 99, QBD.

Discharge of restricted patient—

Discharge—Decision directing conditional discharge of restricted patient—Direction imposing condition on conditional discharge requiring patient to continue to reside in a hospital—Condition deferring conditional discharge until arrangements could be made for admission of patient to another hospital—Whether condition valid—Mental Health Act 1983, ss 72(1), 73(1)(2)(4)(7). **Secretary of State for the Home Dept v Mental Health Review Tribunal for the Mersey Regional Health Authority**, **Secretary of State for the Home Dept v Mental Health Review Tribunal for Wales**. [1986] 3 233, QBD.

Discharge—Decision directing conditional discharge of restricted patient—Direction subject to arrangements being made for support of patient—Direction that tribunal reconsider case in six months' time—Whether decision directing conditional discharge a provisional or final decision—Whether tribunal having power to reconsider decision—Whether Secretary of State entitled to apply for judicial review of decision—Mental Health Act 1983, s 73(2)(7). **R v Oxford Regional Mental Health Review Tribunal**, ex p **Secretary of State for the Home Dept** [1986] 3 239, CA.

Proceedings—

Irregularity—Failure to send documents and notice of hearing to Secretary of State in case of application by restricted patient—Effect of failure—Whether failure an irregularity—Whether failure an irregularity which be cured—Whether failure amounting to breach of rules of natural justice—Whether Secretary of State entitled to apply for judicial review—Mental Health Tribunal Rules 1983, rr 12(1), 20, 28. **R v Oxford Regional Mental Health Review Tribunal**, ex p **Secretary of State for the Home Dept** [1986] 3 239, CA.

Patient—

Evidence—

Corroboration—Criminal proceedings. *See* **Criminal evidence** (Corroboration—Direction to jury—Mental patient with criminal conviction detained in special hospital).

MENTAL HEALTH REVIEW TRIBUNAL

See **Mental health** (Mental health review tribunal).

MERGER

Monopolies and Mergers Commission—

Reference. *See* **Monopolies and mergers**.

MINING

Coal mining. *See* **Coal mining**.

MINISTER OF RELIGION

Dismissal—

Complaint of unfair dismissal—

Whether agreement between Minister and Church a contract of service. *See* **Employment** (Contract of service—Incidents of contract—Minister of religion).

MINOR

Access—

Adoption. *See* **Adoption** (Access).

Child in care of local authority—

Access by putative father. *See* **Child** (Welfare—Child in care of local authority—Access by putative father).

Adoption—

Generally. *See* **Adoption**.

Care—

Local authority. *See* **Child** (Care—Local authority).

Custody—

Access—

Child in care of local authority—Access by putative father. *See* **Child** (Welfare—Child in care of local authority—Access by putative father).

Education—

Maintenance. *See* **Maintenance**—Education or training, *post*.

MINOR (cont)

Maintenance—

Education or training—

Maintenance order including element in respect of school fees—Payment to minor—Custodial parent applying for periodical payments order to be made against himself—Purpose of application to reduce tax liability—No issue before court—Whether court having jurisdiction to make order—Whether court should have regard to tax considerations when making financial provision order—Matrimonial Causes Act 1973, ss 23(1)(d), 25. **Sherdley v Sherdley** [1986] 2 202, CA.

Practice—

Appeal to Divisional Court—

Family Division. *See Practice* (Family Division—Divisional Court—Appeal to Divisional Court—Child).

Removal outside jurisdiction—

Abduction—

Removal out of United Kingdom—Abduction of child under 16 or removal of ward without leave of court—Danger of removal real and imminent—Application to police to institute 'port-alert'—Information to accompany application—Notification to Passport Department—Guardianship of Minors Act 1971—Guardianship Act 1973—Child Abduction Act 1984, ss 1, 2. **Practice Direction** [1986] 1 983, FamD.

Training—

Maintenance. *See Maintenance—Education or training, ante.*

MISUSE OF POWER

Public authority. *See Public authority* (Statutory powers—Misuse of power).

MONEY

Exchange control. *See Currency control.*

MONOPOLIES AND MERGERS

Monopolies and Mergers Commission—

Chairman's powers—

Reference of take-over bid to commission—Chairman of commission deciding bid abandoned—Chairman deciding commission should lay aside reference—Whether chairman having power to act alone. **R v Monopolies and Mergers Commission, ex p Argyll Group plc** [1986] 2 257, CA.

Reference to Monopolies and Mergers Commission—

Laying aside of reference to commission—

Commission entitled to lay reference aside if 'arrangements such as are mentioned in the reference' are abandoned by take-over bidder—Bidder making offer to take over company—Take-over bid referred to commission—Bidder substituting new bid—Whether 'arrangements ... mentioned in the reference' referring only to original bid or including new bid—Whether commission entitled to lay reference aside—Fair Trading Act 1973, s 75. **R v Monopolies and Mergers Commission, ex p Argyll Group plc** [1986] 2 257, CA.

MONOPOLY

Copyright—

Restriction of copyright. *See Copyright* (Restriction of copyright—Monopoly).

MORTGAGE

Equitable interest—

Priority—

Notice of equitable interest—Inspection—Such inspections as ought reasonably to have been made—Unregistered land—Occupation—Evidence of occupation—Residential property—Inspection by pre-arranged appointment—Occupation of matrimonial home by wife concealed by husband—Whether inspection by pre-arranged appointment amounting to 'such ... inspections ... as ought reasonably to have been made'—Law of Property Act 1925, s 199(1)(ii). **Kingsnorth Trust Ltd v Tizard** [1986] 2 54, ChD.

Notice of equitable interest—Notice—Constructive notice—Notice to agent—Matrimonial home in sole name of husband—Husband subsequently obtaining loan on security of mortgage of matrimonial home—Husband describing himself to mortgagee as single—Mortgagee's surveyor inspecting matrimonial home during temporary absence of wife—Husband concealing wife's occupation—Whether surveyor's knowledge that husband had a wife to be taken to be mortgagee's knowledge—Whether mortgagee put on further inquiry—Whether wife's equitable interest having priority over mortgagee's interest—Law of Property Act 1925, s 199(1)(ii)(a). **Kingsnorth Trust Ltd v Tizard** [1986] 2 54, ChD.

Notice of equitable interest—Person in occupation—Occupation—Actual occupation—Physical presence—Whether physical presence must be exclusive or continuous and uninterrupted to amount to actual occupation—Whether presence on land with occupation excluding possibility of occupation of others. **Kingsnorth Trust Ltd v Tizard** [1986] 2 54, ChD.

Interest—

Higher than usual rate of interest—

Extortionate credit bargain. *See Consumer credit* (Extortionate credit bargain—Mortgage).

MOTOR INSURANCE

Exception—

Policy excluding loss or damage occurring while vehicle driven by person other than policy holder—

Policy stating limitation of use of vehicle not breached by delivery of vehicle into custody or control of member of motor trade for repair—Vehicle stolen while in charge of repairer—Whether policy holder entitled to be indemnified—Whether vehicle in custody or control of member of motor trade for purpose of repair when stolen—Whether vehicle on risk while being driven by or in charge of person other than policy holder. **Samuelson v National Insurance and Guarantee Corp Ltd** [1986] 3 417, CA.

MOTOR VEHICLE

Insurance. *See Motor insurance.*

MOTORING OFFENCES

See Road traffic.

MURDER

Duress as a defence. *See* **Criminal law** (Duress as a defence—Murder).
Generally. *See* **Criminal law** (Murder).

NATIONAL HEALTH SERVICE

Medical practitioner—

Partnership—

Restraint of trade by agreement—Generally. *See* **Restraint of trade by agreement** (Partnership—Medical partnership—National health service practice).

NATIONAL INSURANCE

See **Social security**.

NATIVE LANDS

Dealing with native land—

Meaning of dealing—

Fiji. *See* **Fiji** (Land—Dealing with land—Native land).

NATURAL JUSTICE

Hearing—

Duty to hear parties, etc—

Public inquiry. *See* **Public inquiry**—Duty to hear parties, *post*.

Prison board of visitors—

Exercise of disciplinary powers—

Disciplinary hearing—Chairman of board also a member of local review committee—Chairman having background knowledge of prisoner as a result of sitting on review committee—Whether chairman disqualified from hearing case—Whether breach of the rules of natural justice. **R v Frankland Prison Board of Visitors, ex p Lewis** [1986] 1 272, QBD.

Public inquiry—

Duty to hear parties—

Effect of government policy—Duty to consider objections—Secretary of State wishing to increase tolls levied on users of bridge—Public inquiry held to consider objections to proposed increase—Inspector deciding certain objections falling within matters of government policy—Inspector not considering or evaluating objections—Whether inspector entitled to ignore objections because of policy—Whether public inquiry and order increasing tolls invalid—Severn Bridge Tolls Act 1965, ss 1, 3, 4, Sch 2—Severn Bridge Tolls Order 1985. **R v Secretary of State for Transport, ex p Gwent CC** [1986] 2 18, QBD.

NATURAL PARENT

Access to child—

Adoption of child. *See* **Adoption** (Access—Access by natural parent).

NE EXEAT REGNO

Writ of. *See* **Equity** (Ne exeat regno).

NEGLIGENCE

Burden of proof—

Medical practitioner. *See* **Medical practitioner** (Negligence—Burden of proof).

Causation—

Breach of duty causing or materially contributing to damage—

Medical practitioner. *See* **Medical practitioner** (Negligence—Causation).

Copyright—

Infringement of copyright. *See* **Copyright** (Infringement—Negligence).

Damages—

Personal injury. *See* **Damages** (Personal injury).

Remoteness of damage—

Generally. *See* **Damages** (Remoteness of damage).

Doctor—

Generally. *See* **Medical practitioner** (Negligence).

Duty to take care—

Act of third party—

Duty of owner of building to occupier of adjoining building in respect of act of third party—Vandals gaining access to defendant's unoccupied and unsecured premises and damaging water system—Plaintiff's adjacent property flooded—Whether defendant owing duty to plaintiff for acts of third party—Whether defendant liable for plaintiff's loss. **King v Liverpool City Council** [1986] 3 544, CA.

Damage to property of another—

Title to sue—Right of c & f buyer to sue—Goods sold during shipment to c & f buyer—Goods damaged by shipowner's negligence before buyer becoming holder of bill of lading—Whether buyer entitled to sue shipowner in tort even though not owner of goods when damage occurring. **Leigh & Silavan Ltd v Aliakmon Shipping Co Ltd, The Aliakmon** [1986] 2 145, HL.

Medical practitioner. *See* **Medical practitioner** (Negligence—Duty of care).

Professional person. *See* **Professional person**—Duty to exercise reasonable skill and care, *post*.

Statutory powers—

Compliance with statutory requirements—Building operations—Duty of care owed to building owner—Original building owner—Owner's architects and structural engineers submitting plans for warehouses to be erected on infilled site—Foundations proposed by structural engineers inadequate—Plans approved by local authority—Warehouses suffering damage from subsidence and having to be demolished—Whether owner responsible for breach of building regulations—Whether local authority owing duty of care to original building owner to ensure building erected in compliance with building regulations—Public Health Act 1936, s 64. **Investors in Industry Commercial Properties Ltd v South Bedfordshire DC (Ellison & Partners (a firm) third parties)** [1986] 1 787, CA.

Local authority—Building operations—Duty to secure or enforce compliance with building regulations—To whom duty owed—Duty owed to occupier—Whether duty owed to non-resident occupier. **Investors in Industry Commercial Properties Ltd v South Bedfordshire DC (Ellison & Partners (a firm) third parties)** [1986] 1 787, CA.

NEGLIGENCE (cont)

Limitation of action—

Accrual of cause of action. *See* **Limitation of action** (When time begins to run—Actions in tort—Accrual of cause of action—Negligence).

Medical practitioner—

Generally. *See* **Medical practitioner** (Negligence).

Personal injury—

Damages—

Generally. *See* **Damages** (Personal injury).

Professional person—

Duty to exercise reasonable skill and care—

Reliance on specialist consultant—Circumstances in which professional person may rely on specialist consultant—Architect—Architect relying on consulting engineer. **Investors in Industry Commercial Properties Ltd v South Bedfordshire DC** (Ellison & Partners (a firm) third parties) [1986] 1 787, CA.

Medical practitioner. *See* **Medical practitioner** (Negligence).

Remoteness of damage—

Generally. *See* **Damages** (Remoteness of damage).

Sterilisation operation—

Unwanted pregnancy—

Damages. *See* **Damages** (Unwanted pregnancy—Negligence).

NEWSPAPER

Contempt of court—

Publications concerning legal proceedings. *See* **Contempt of court** (Publications concerning legal proceedings).

NON-PATRIAL

Immigration. *See* **Immigration**.

NOTICE TO QUIT

Agricultural holding. *See* **Agricultural holding** (Notice to quit).

NUISANCE

Landlord's liability—

Nuisance created by tenants—

Landlord's consent to nuisance—Ordinary and necessary consequence of use of land by occupier—Council letting land to go-kart club for use as go-kart track—Plaintiffs claiming injunction against council to restrain continuation of use as go-kart track—Whether council liable for nuisance—Whether nuisance an ordinary and necessary consequence of operation of track—Whether plaintiffs entitled to injunction. **Tetley v Chitty** [1986] 1 663, QBD.

Light—

Interference with light—

Test whether interference complained of amounting to nuisance. *See* **Easement** (Light—Interference with light—Test whether interference complained of amounting to nuisance).

NURSING

Damages—

Personal injury—

Cost of nursing. *See* **Damages** (Personal injury—Nursing).

OCCUPATIONAL PENSION SCHEME

Company. *See* **Pension** (Pension scheme—Company pension scheme).

OFFENSIVE WEAPONS

See **Criminal law** (Offensive weapon).

OFFICIAL SOLICITOR

Guardian ad litem

Adoption proceedings—

Practice. *See* **Adoption** (Practice—Guardian ad litem—Official Solicitor as guardian ad litem or reporting officer). [1986] 2 832, FamD.

ORDER

Peremptory order—

Form of order. *See* **Practice** (Order—'Unless' orders and other peremptory orders—Form of order).

'Unless' order—

Practice. *See* **Practice** (Order—'Unless' order and other peremptory orders).

ORIGINATING SUMMONS

Service—

Service impossible—

Diplomatic privilege—Local authority issuing originating summons against Iranian government—Summons unable to be served on Iranian government—Whether court could hear and determine summons in absence of service on Iranian government—State Immunity Act 1978, s 12(1)—RSC Ord 32, r 5(1). **Westminster City Council v Government of the Islamic Republic of Iran** [1986] 3 284, ChD.

OVERRIDING INTEREST

Registered land. *See* **Land registration** (Overriding interest).

OVERSEAS DIVORCE

Financial relief after divorce—

Jurisdiction of English court to grant relief. *See* **Divorce** (Financial provision—Order—Order following decree—Jurisdiction—Foreign decree).

Recognition. *See* **Divorce** (Foreign decree—Recognition by English court—Overseas divorce).

PARENT

Adoption of child—

Consent—

Generally. *See* **Adoption** (Consent—Parent or guardian).

Dispensing with consent of parent. *See* **Adoption** (Dispensing with consent of parent or guardian).

Education—

Duty to secure regular attendance of child. *See* **Education** (School attendance—Duty of parent to secure regular attendance of pupil).

PARTNERSHIP

Medical practitioner—

Restraint of trade—

Generally. *See* **Restraint of trade by agreement** (Partnership—Medical partnership).

Restraint of trade. *See* **Restraint of trade by agreement** (Partnership).

Writ—

Service on partnership. *See* **Writ** (Service on partnership).

PATENT

Infringement—

Accrual of cause of action—

Infringement committed after publication of complete specification but before sealing of patent—Action brought more than six years after infringement committed—Whether cause of action accruing when infringement committed or when patent granted—Whether action time-barred—Patents Act 1949, s 13(4)—Limitation Act 1980, s 2. **Sevcon Ltd v Lucas CAV Ltd** [1986] 2 104, HL.

PATERNITY

Affiliation proceedings. *See* **Affiliation**.

PATIENT

Mental. *See* **Mental health**.

PAYMENT OUT OF COURT

County court. *See* **County court** (Payment out of court).

PENDING ACTION

Comment prejudicial to fair trial—

Contempt of court. *See* **Contempt of court** (Publications concerning legal proceedings—Pending proceedings).

PENSION

Military pension—

Avoidance of assignment of, or charge on, pay, pensions etc—

Financial provision order—Divorce proceedings. *See* **Divorce** (Financial provision—Military pay, pensions etc—Avoidance of assignment of, or charge on, military pay, pensions etc).

Pension scheme—

Company pension scheme—

Valuation of fund—Transfer of part of fund—Company selling subsidiary and transferring portion of its pension fund to purchaser's fund—Fund in surplus—Appropriate method of valuation of separate portion—Whether past service reserve or share of fund appropriate method of valuation. **Re Imperial Foods Ltd's Pension Scheme** [1986] 2 802, ChD.

PEREMPTORY ORDER

Form of order. *See* **Practice** (Order—'Unless' order and other peremptory orders—Form of order).

PERPETUITIES

Rule against perpetuities. *See* **Rule against perpetuities**.

PERSON OF UNSOUND MIND

Generally. *See* **Mental health**.

PERSONAL INJURIES

Damages—

Generally. *See* **Damages** (Personal injury).

Limitation of action—

When time begins to run. *See* **Limitation of action** (When time begins to run—Personal injury claim).

PETITION

Company—

Compulsory winding up—

Advertisement of petition. *See* **Company** (Compulsory winding up—Advertisement of petition).

Procedure—Generally. *See* **Company** (Compulsory winding up—Procedure).

PLANNING

Town and country planning. *See* **Town and country planning**.

PLATE

Church plate—

Sale of—

Faculty. *See* **Ecclesiastical law** (Faculty—Sale of chattel—Church plate).

PLEADING

Defamation—

Particulars. *See* **Libel and slander** (Particulars).

Striking out—

Embarassing material—

Pleaded facts not within defendant's knowledge—Whether pleading should be struck out as embarrassing—RSC Ord 18, r 19(1)(c). **Paterson Zochonis & Co Ltd v Merfarken Packaging Ltd** [1986] 3 522, CA.

POLICE

Admissions and confessions to police—

Admissibility in criminal proceedings. *See* **Criminal evidence** (Admissions and confessions—Answers and statements to police).

Discipline—

Disciplinary offence of being 'found guilty of criminal offence—

Conviction—Conditional discharge—Police officer convicted of criminal offence and given conditional discharge—Discharge having effect that conviction deemed not to be conviction for purpose of other proceedings—Whether finding of guilt equivalent to conviction—Whether police disciplinary authority entitled to have regard to finding of guilty—Powers of Criminal Courts Act 1973, s 13(1)—Police (Discipline) Regulations 1977, Sch 2, para 15. *R v Secretary of State for the Home Dept, ex p Thornton* [1986] 2 641, CA.

Disciplinary proceedings—

Judicial review of decision in disciplinary proceedings—Availability of remedy. *See* **Judicial review** (Availability of remedy—Alternative remedy available—Discretion of court to grant relief—Disciplinary proceedings—Complaint against police officer).

Punishment—

Infliction of disqualification or disability—Whether punishment for breach of police discipline imposing disqualification or disability on officer—Powers of Criminal Courts Act 1973, s 13(3)—Police (Discipline) Regulations 1977, reg 22. *R v Secretary of State for the Home Dept, ex p Thornton* [1986] 2 641, CA.

Powers—

Practice—

Special procedure material—Power of police to order production of material to be produced or discovered—Whether notice of application must contain details of precise documents to be produced or discovered—Police and Criminal Evidence Act 1984, s 9, Sch 1. *R v Central Criminal Court, ex p Adegbesan* [1986] 3 113, QBD.

POSSESSION

Land—

Summary proceedings to recover possession. *See* **Land** (Summary proceedings for possession).

Protected tenancy—

Recovery by landlord. *See* **Rent restriction** (Possession).

Regulated tenancy—

Recovery by landlord. *See* **Rent restriction** (Possession).

Statutory tenancy—

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See **Practice** (Service—Service by post).

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Administration of estates—

Grant of administration—Effect of enduring powers of attorney on existing grants and on applications for new grants—Limitation to be included in grants—Enduring Powers of Attorney Act 1985—Non-Contentious Probate Rules 1954, rr 30, 33. *Practice Direction* [1986] 2 41, FamD.

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Right of audience—

High Court of Justice—Solicitor—Formal and unopposed proceedings—Statement in open court in settlement of claim in defamation proceedings—Defendant seeking leave for solicitor to read agreed statement—Whether court having discretion to grant leave. *Abse v Smith* [1986] 1 350, CA.

Supreme Court—Solicitor—Formal and unopposed proceedings—Circumstances in which solicitor may represent his client in open court. *Practice Direction* [1986] 2 228, Sup Ct.

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Northern Area—

Lists—Fixed dates—Warned cases—Motion days—Papers for judge—Urgent matters. *Practice Note*. [1986] 3 63, ChD.

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Cases not assigned to particular judge—Procedure for listing and hearing unassigned cases. *Practice Direction*. [1986] 2 1002, ChD.

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Companies Court—

Compulsory winding up of company. *See* **Company** (Compulsory winding up—Procedure).

PRACTICE (cont)

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Compulsory winding up—

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Generally. *See* **Company** (Compulsory winding up).

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Divorce. *See* **Divorce** (Financial provision—Consent order).

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Admiralty. *See* **Admiralty** (Costs).

Generally. *See* **Costs**.

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Cross-examination—

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Disclosure to other parties—Defendant wishing to give expert evidence on his own behalf—Whether rules of disclosure apply where expert witness is one of the parties. **Shell Pensions Trust Ltd v Pell Frischmann & Partners** [1986] 2 911, QBD.

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Appeal to Divisional Court—Child—Child a party in court below and affected by appeal—Guardian ad litem—Continuation of appointment—Notice—Consent—Legal aid—RSC Ord 55, r 4(1)(a), Ord 80, r 3(8), Ord 90, rr 28, 29(4)(b)—Legal Aid (General) Regulations 1980, reg 47. **Practice Direction** [1986] 1 896, FamD.

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Guardian ad litem—

Adoption proceedings. *See* **Adoption** (Practice—Guardian ad litem).

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Cross-examination before service of statement of claim—Interlocutory order requiring defendant to disclose information to plaintiff—Defendant's answers not complying with order—Whether court having jurisdiction to order cross-examination of defendant before service of statement of claim. **Bayer AG v Winter (No 2)** [1986] 2 43, ChD.

Mandatory injunction. *See* **Injunction** (Interlocutory—Mandatory injunction).

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Generally. *See* **Judgment**.

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Leave to appeal—

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Meaning of 'charity proceedings'. *See* **Charity** (Proceedings—Parties).

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Compulsory winding up—Generally. *See* **Company** (Compulsory winding up—Procedure).

Pleading. *See* Pleading.

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Enduring power of attorney—

Court of Protection. *See* **Power of attorney** (Enduring power of attorney—Court of Protection).

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Interlocutory motion—Ex parte application—Principles relating to grant of order—Duty of plaintiff's solicitor when executing order—Cross-undertaking as to damages by plaintiff—Award of damages for breach of undertaking—Aggravated damages awarded for excessive and oppressive manner in which order executed. **Columbia Picture Industries Inc v Robinson** [1986] 3 338, ChD.

Mareva injunction—

Discovery or interrogatory in aid of injunction—Power to make order for discovery or interrogatories in aid of Mareva injunction—Foreign assets—Whether power to order discovery of foreign assets ancillary to Mareva injunction—Whether plaintiff required to give undertaking not to use information disclosed without consent of defendant or leave of court. **Ashtiani v Kashi** [1986] 2 970, CA.

Privilege—

Discovery of documents. *See* **Discovery** (Privilege).

Queen's Bench Division—

Counsel's fees—

Interlocutory fees—Accident cases—Scale of fees to be allowed on taxation. **Practice Direction** [1986] 1 960, Sup Ct Taxing Office.

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Generally. *See* **Writ** (Extension of validity).

Review of taxation of costs—

Generally. *See* **Costs** (Taxation—Review of taxation).

Security for costs—

Generally. *See* **Costs** (Security for costs).

Service—

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Deemed service—

Service by post—Generally. *See* **Service**—Service by post—Deemed service, *post*.

Writ—Writ deemed by acknowledgment of service to be served 'unless the contrary [is] shown'—Plaintiffs' solicitors sending copy of writ to defendants' solicitors for information only—Defendants acknowledging service of writ and requiring plaintiffs to serve statement of claim—Whether plaintiffs entitled to show that writ had not been duly served—Whether plaintiffs obliged to serve statement of claim—RSC Ord 10, r 1(5), Ord 18, r 1. **Abu Dhabi Helicopters Ltd v International Aeradio plc** [1986] 1 395, CA.

Document required to be served on defendant—

Magistrates' court proceedings—Defendant and his solicitor not present in court—Document served on counsel for defendant—Validity—Whether counsel having authority to accept service on behalf of defendant—Road Traffic Act 1972, s 10(5). **Penman v Parker** [1986] 2 862, QBD.

Originating summons—

Generally. *See* **Originating summons** (Service).

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Deemed service—Writ—Writ served by post deemed to be served on seventh day after date on which writ sent 'unless the contrary is shown'—Writ sent five days before expiry and received by defendant two days later—Whether plaintiff entitled to show that service in fact effected while writ valid—Whether writ valid—RSC Ord 10, r 1(3)(a). **Hodgson v Hart DC** [1986] 1 400, CA.

Sending copy of writ by post—Send—Redirection by Post Office—Writ posted by plaintiff to defendant at old address—Writ redirected by Post Office to defendant's new address—Whether writ 'sent' to defendant—Whether writ validly served on defendant—RSC Ord 10, r 1(2). **Austin Rover Group Ltd v Crouch Butler Savage Associates (a firm)** [1986] 3 50, CA.

Service on partnership. *See* **Writ** (Service on partnership—Service by post).

Service out of the jurisdiction—

Action properly brought against defendant within jurisdiction—

Person out of jurisdiction necessary or proper party—Action brought by consignees of cargo against shipowners and charterers—Shipowners not physically within the jurisdiction—Shipowners instructing solicitors within the jurisdiction to accept service of proceedings—Whether action 'properly brought' against shipowners—Whether it matters whether voluntary submission to jurisdiction occurring before or after issue of writ—RSC Ord 11, r 1(1)(j). **Amanuel v Alexandros Shipping Co, The Alexandros P** [1986] 1 278, QBD.

PRACTICE (cont)

Service out of the jurisdiction (cont)—

Alternative forum available—

Appropriate forum—Forum in which case can be tried more suitably for parties' interests and ends of justice—Burden of proof—Forum with which action has most real and substantial connection—Effect of deprivation of legitimate personal or juridical advantage—Effect of prior litigation involving similar parties and same issues, expert and lawyers—Principles to be applied—Factors to be considered—RSC Ord 11, r 1(1). **Spiliada Maritime Corp v Cansulex Ltd, The Spiliada** [1986] 3 843, HL.

Stay of proceedings—

Foreign cause of action—

Foreign court natural or appropriate forum—Factors to be considered in deciding whether stay should be granted—Dispute between Turkish company with English shareholders and Turkish bank—Whether court limited to considering only convenience and expense and plaintiff's personal or juridical advantage—Whether court entitled to consider other factors—Whether court entitled to grant stay even though it would be more inconvenient and expensive for plaintiff's to bring action in Turkey. **Muduroglu Ltd v TC Ziraat Bankasi** [1986] 3 682, CA.

Foreign defendant—

Appropriate forum—Forum in which case can be tried more suitably for parties' interests and ends of justice—Burden of proof—Forum with which action has most real and substantial connection—Effect of deprivation of legitimate personal or juridical advantage—Effect of prior litigation involving similar parties and same issues, experts and lawyers—Principles to be applied—Factors to be considered. **Spiliada Maritime Corp v Cansulex Ltd, The Spiliada** [1986] 3 843, HL.

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Leave to defend—

Arguable point of law raised by defendant—Stay of proceedings pending arbitration—Circumstances in which court will give summary judgment—Whether court should give leave to defend—Arbitration Act 1975, s 1(1)—RSC Ord 14. **SL Sethia Liners Ltd v State Trading Corp of India Ltd** [1986] 2 395, CA.

Taxation of costs—

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Generally. *See* **Costs** (Taxation).

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Power of court to refuse directions in special circumstances—Whether refusal to give third party directions putting an end to third party proceedings—RSC Ord 16, r 4. **Courtenay-Evans v Stuart Passey & Associates (a firm) (Greater London Council, third party)** [1986] 1 932, QBD.

Third party procedure—

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Third party proceedings—

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Transfer of proceedings between High Court and county court—

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Proceedings which may and may not be transferred—Adoption Act 1968, s 6—Guardianship of Minors Act 1971, s 15(3)—Matrimonial Causes Act 1973, ss 1(2)(e), 5, 19, 45(1)—Domicile and Matrimonial Proceedings Act 1973, s 5(6)—Children Act 1975, ss 14, 24—Matrimonial and Family Proceedings Act 1984, Pt III (ss 12-27), ss 37, 38, 39. **Practice Direction** [1986] 2 706, FamD.

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Generally. *See* **Service, ante**.

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Exercise of disciplinary powers—

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Exercise of disciplinary powers—Laying of charge as soon as possible—As soon as possible—Charge of assault laid against prisoner over ten weeks after assault occurring—Whether charge laid 'as soon as possible'—Whether requirement that charge be laid 'as soon as possible' mandatory or directory—Prison Rules 1964, r 48(1). **R v Dartmoor Prison Board of Visitors, ex p Smith** [1986] 2 651, CA.

PRIVATE INTERNATIONAL LAW

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Duty to exercise of statutory power—

House of Commons approval—Minister's exercise of statutory power requiring House of Commons approval—Whether minister's exercise of power reviewable by courts on grounds of unreasonableness. **Nottinghamshire CC v Secretary of State for the Environment** [1986] 1 199, HL.

Statutory powers—

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Duty to consult—Sufficient consultation—Minister under duty to consult relevant organisations before amending regulations—Department giving applicant organisation 8 days and 5 days to comment on proposed amendments—Wording of some amendments not sent to applicant—Whether obligation to consult mandatory or directory—What amounts to sufficient consultation—Whether for minister or court to decide whether consultation sufficient—Whether inadequate consultation requiring amending regulations to be quashed—Social Security and Housing Benefits Act 1982, s 36(1)—Housing Benefits Amendment (No 4) Regulations 1984. **R v Secretary of State for Social Services, ex p Association of Metropolitan Authorities** [1986] 1 164, QBD.

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Greater London Council—Grant to Inner London Education Authority—Express statutory provisions relating to funding of authority—Whether GLC's grant ultra vires—Local Government Act 1972, s 111—Local Government Act 1985, s 97(1). **Westminster City Council v Greater London Council** [1986] 2 278, HL.

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Liability to clear stopped-up drains—Notice to remedy stopped-up drains—Validity of notice—Sewage overflowing onto landowner's land—Local authority serving notice requiring him to remedy defect within 48 hours—Local authority undertaking work and discovering that blockage was on highway land and not on landowner's land—Whether drain on landowner's land 'stopped up'—Whether landowner liable to pay cost of unstopping drain—Public Health Act 1961, s 17. **Rotherham Metropolitan BC v Dodds** [1986] 2 867, CA.

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Insulting—Nature of insulting behaviour—Homosexual activity in public place—Defendants engaged in overt homosexual behaviour at bus stop—Defendants' behaviour observed by passing couples—Defendants unaware of other persons in vicinity—Whether defendants using 'insulting ... behaviour ... whereby a breach of peace may be occasioned'—Whether necessary for conduct to be directed at another person in order to be insulting—Whether overt homosexual behaviour in public place insulting to member of public witnessing it—Metropolitan Police Act 1839, s 54(13). **Masterton v Holden** [1986] 3 39, QBD.

PUBLIC UTILITY UNDERTAKING

Limitation of action—

Statutory undertaker's right to recover expense of making good damage to apparatus—

Whether cause of action accruing when damage caused or when expense of making good incurred—Public Utilities Street Works Act 1950, s 26(6). **Yorkshire Electricity Board v British Telecommunications plc** [1986] 2 961, HL.

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RATES

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Jurisdiction—Refusal by rating authority to remit or reduce rates—Whether ratepayer entitled to appeal to Crown Court—General Rate Act 1967, s 7(1)(c). **Investors in Industry Commercial Properties Ltd v Norwich City Council** [1986] 2 193, HL.

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Calculation of local authority expenditure limits—Secretary of State required to set limits by reference to 'principles applicable to all local authorities'—Secretary of State's method for calculating limits having different effect on high-spending and low-spending authorities—Secretary of State adopting different baselines on which to calculate expenditure increases for high-spending and low-spending authorities—Whether Secretary of State applying different principles to different authorities—Whether Secretary entitled to adopt principle producing different consequences for different authorities—Local Government, Planning and Land Act 1980, s 59(11A). **Nottinghamshire CC v Secretary of State for the Environment** [1986] 1 199, HL.

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Occupation by receiver—

Receiver appointed under debenture charging company's property—Debenture empowering receiver to take possession of property charged but not effecting transfer of possession to receiver or obliging him to take possession—Debenture and appointment of receiver containing usual agency provision deeming receiver to be company's agent—Whether receiver in rateable occupation of property—Whether rating authority having reasonable grounds for believing receiver in rateable occupation—Whether burden of proof on receiver to show that he was not in rateable occupation—General Rate Act 1967, s 97(1). **Ratford v Northavon DC** [1986] 3 193, CA.

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Generally. *See* **Company** (Receiver).

Order appointing receiver—

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Recovery of possession by landlord who occupied house as own residence at any time prior to grant of tenancy—Act enabling landlord to recover possession if he had occupied house himself at any time—Act coming into effect after order for possession refused but while appeal pending—Act expressed to have retrospective effect—Whether retrospective effect applying to pending appeal—Rent Act 1977, Sch 15, Case 11—Rent (Amendment) Act 1985, s 1(1)(4). **Hewitt v Lewis** [1986] 1 927, CA.

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RESTRAINT OF TRADE BY AGREEMENT

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National health service practice—Mutual covenants by partners under which retiring or expelled partner would not practice within a prescribed area for two years—Whether covenant contrary to public policy—Whether covenant unlawful as infringing prohibition against sale of goodwill of national health service practice—National Health Service Act 1977, s 54(1), Sch 10, para 2(4)(5). **Kerr v Morris** [1986] 3 217, CA.

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RIGHT OF WAY

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Duty of purchaser to satisfy himself as to incumbrances etc. *See* Sale of land (Incumbrances, easements, rights of way etc—Duty of purchaser to satisfy himself as to incumbrances).

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Print-out produced by device—Validity—Challenge to validity—Evidence that device is defective—Acceptable evidence—Evidence acceptable only if directly proving device itself is defective—Inference drawn from condition of defendant before and after test not acceptable to prove device is defective—Road Traffic Act 1972, s 10(3)(a). *Hughes v McConnell* [1986] 1 268, QBD.

Requirement to take test—

Prerequisite of test—'Reasonable cause to suspect' driver has consumed alcohol above prescribed limit—Police forming suspicion after person ceased driving—Whether necessary that suspicion should arise at time person was driving—Road Traffic Act 1972, ss 6(1), 7(1)(b). *Blake v Pope* [1986] 3 186, QBD.

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Special reasons for not disqualifying—

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Driving while unfit through drink or drugs—

Special reasons for not disqualifying—

Criteria for special reasons—Respondent unfit to drive through drink—Car in which respondent was a passenger leaving road and ending up in field—Respondent driving car for a few yards from field to highway and parking it—Respondent intending only to park car and not to drive it—Respondent convicted of driving while unfit to drive through drink—Whether circumstances constituting special reasons for not disqualifying respondent—Road Traffic Act 1972, s 93(1). *Chatters v Burke* [1986] 3 168, QBD.

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Reckless driving—

Defence—

Driver committing reckless acts in order lawfully to arrest offender—Whether reasonable use of force in lawfully arresting offender defence to charge of reckless driving—Criminal Law Act 1967, s 3(1)—Road Traffic Act 1972, s 2. *R v Renouf* [1986] 2 449, CA.

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Objects of trust capable of taking outside perpetuity period—

Gift by way of remainder to 'issue' of beneficiary—Settlement—Class gift—Date on which class to be ascertained—Gift to issue on attaining 21—Whether issue limited to children—Whether issue limited to those in being at date of death of beneficiary or date of death of child of beneficiary—Whether gift void for remoteness. *Re Drummond's Settlement, Foster v Foster* [1986] 3 45, ChD.

SAFETY

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SALE OF GOODS

Implied condition as to merchantable quality—

Goods—

Container or packaging—Farmer purchasing herbicide to kill wild oats—Misleading instructions by manufacturer as to use of herbicide—Herbicide failing to produce expected result—Whether herbicide of unmerchantable quality—Whether 'goods' meaning container, packaging and any instructions supplied with goods as well as goods themselves—Sale of Goods Act 1979, s 14(2), (3). *Wormell v RHM Agricultural (East) Ltd* [1986] 1 769, QBD.

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Trade description—

Offences due to fault of another person. *See* Trade description (Offences due to fault of another person).

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Duty of purchaser to satisfy himself as to incumbrances—

Whether principle of caveat emptor applying—National Conditions of Sale (20th edn), condition 14. **Celsteel Ltd v Alton House Holdings Ltd (No 2) [1986] 1 598, ChD.**

Purchaser—

Purchaser in possession—

Order that purchaser relinquish possession—Substantial proportion of purchase price paid—Sale including goodwill and stock-in-trade—Contract specifically regulating rights of parties—Whether vendor entitled to order that purchaser pay outstanding balance into court or relinquish possession of property—National Conditions of Sale (20th edn), condition 8. **Attfield v D J Plant Hire and General Contractors Co Ltd [1986] 3 273, ChD.**

Rescission of contract—

Contract for sale of leasehold interest—

Purchaser entitled to rescind if reversioner's licence to assign 'cannot be obtained'—Vendor unable to obtain licence because of purchaser's fault—Vendor unable to complete and rescinding contract—Whether right to rescind arising on contractual date for completion—Whether right to rescind not arising until specific performance no longer available to purchaser—National Conditions of Sale (20th edn), condition 11(5). **29 Equities Ltd v Bank Leumi (UK) Ltd [1986] 2 873, ChD.**

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Capacity to pay—

Confiscation of criminal profits—Fine in addition to imprisonment—Principles on which fine should be imposed—Powers of Criminal Courts Act 1973, ss 30, 31(2). **R v Garner, R v Breeze [1986] 1 78, CA.**

Criminal bankruptcy order—

Fine in addition to criminal bankruptcy order—Principles on which fine should be imposed—Powers of Criminal Courts Act 1973, ss 35(4A), 39(1). **R v Garner, R v Breeze [1986] 1 78, CA.**

Forfeiture order—

Forfeiture of property—

Property—Property used for committing any offence—Defendant convicted of supplying drugs—Court making forfeiture order in respect of money in defendant's possession—Money provided by purchasers of drugs—Purchasers committing offence when buying drugs from defendant—Whether money used for purpose of committing any offence—Whether money used for commission of offence by defendant—Powers of Criminal Courts Act 1973, s 43(1). **R v Slater [1986] 3 786, CA.**

Rape. *See Criminal law* (Rape—Sentence).

SERVICE

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Originating summons. *See Originating summons* (Service).

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Bankruptcy notice. *See Bankruptcy* (Bankruptcy notice—Service—Substituted service).

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Equitable right of set-off—

Contract of employment—Teacher—Claim for salary—Teacher refusing to provide cover for absent colleague in breach of contract of employment—Employer deducting appropriate sum by way of damages from teacher's monthly salary—Teacher bringing action against employer for full salary—Whether equitable right of set-off available in action for salary under contract of employment. **Sim v Rotherham Metropolitan BC [1986] 3 387, ChD.**

SETTLEMENT

- Discretionary trust—
Income tax. *See* **Income tax** (Settlement—Discretionary trust).
- Rule against perpetuities. *See* **Rule against perpetuities**.
- Variation of trusts—
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- Joint tenancy. *See* **Joint tenancy** (Severance).

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- Employment—
Discrimination against a woman. *See* **Employment** (Discrimination against a woman).
- European Economic Community—
Equality of treatment. *See* **European Economic Community** (Equality of treatment of men and women).
- Generally. *See* **Employment** (Discrimination).
- Social security—
Invalid care allowance. *See* **Social security** (Invalid care allowance—Sex discrimination).

SEX ESTABLISHMENT

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Licensing—
Offence—Knowingly using or causing or permitting use of premises as sex establishment except under and in accordance with terms of licence—Knowingly—What knowledge must be proved—Whether sufficient to prove knowledge of use of premises as sex establishment—Whether prosecution must prove that defendant knew premises were used other than under and in accordance with terms of a licence—Local Government (Miscellaneous Provisions) Act 1982, Sch 3, paras 6(1), 20(1)(a). **Westminster City Council v Croxallgrange Ltd** [1986] 2 353, HL.

SEXUAL OFFENCES

- Rape. *See* **Criminal law** (Rape).

SHAREHOLDER

- Minority shareholder—
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- Company—
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- Generally. *See* **Company** (Shares).

SHIPPING

- Admiralty—
Jurisdiction. *See* **Admiralty** (Jurisdiction).
- Bill of lading—
Transfer of rights and liabilities—
Cargo damaged by negligence of shipowner—Action by c & f buyer of cargo—Buyer not holding bill of sale and not having title to cargo—Cargo at buyer's risk under contract with seller—Whether buyer entitled to sue shipowner in negligence—Bills of Lading Act 1855, s 1. **Leigh & Silavan Ltd v Aliakmon Shipping Co Ltd, The Aliakmon** [1986] 2 145, HL.
- Charterparty—
Implied term—
Indemnity—Bill of lading—Clause paramount—Charterparty containing clause exempting shipowners from liability for cargo damage—Charterparty also containing bill of lading clause providing for liability under the Hague Rules—Cargo owners claiming against shipowners for damage to cargo—Shipowners settling cargo owners' claim and claiming indemnity from charterers—Whether clause exempting shipowners from liability or bill of lading clause prevailing—Whether implied term of charterparty that charterers bound to indemnify shipowners for liability incurred to cargo owners. **Ben Shipping Co (Pte) Ltd v An Bord Bainne, The C Joyce** [1986] 2 177, QBD.
- Indemnity—
Implied term. *See* Charterparty—Implied term—Indemnity, *ante*.
- Collision—
Court of formal investigation—
Findings of court of formal investigation—Whether findings binding in subsequent collision action. *See* **Estoppel** (Issue estoppel—Shipping—Collision—Court of formal investigation).
- Defective equipment—
Employer's liability. *See* **Employment** (Liability of master—Defective equipment—Shipping).
- Equipment—
Defective equipment—
Employer's liability. *See* **Employment** (Liability of master—Defective equipment—Shipping).
- Insurance. *See* **Marine insurance**.
- Limitation of liability—
Servant of person whose liability would not be excluded—
Employer engaged in joint enterprise with third party—Employee injured while on third party's tug under control of third party's employee—Whether third party's employee servant of employer—Whether employer entitled to limit liability—Merchant Shipping Act 1894, s 503—Merchant Shipping (Liability of Shipowners and Others) Act 1958, s 3(2)(a). **McDermid v Nash Dredging and Reclamation Co Ltd** [1986] 2 676, CA.
- Salvage—
Admiralty jurisdiction—
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- Shipping casualty—
Formal investigation—
Findings of formal investigation—Whether findings binding in subsequent collision or limitation action. *See* **Estoppel** (Issue estoppel—Shipping—Collision—Court of formal investigation).

SHIPPING (cont)

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Droits of Admiralty. *See* Admiralty (Droits of Admiralty—Wreck).

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SOCIAL SECURITY

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Decision of social security commissioner—

Decision to refuse leave to appeal—No reasons given for decision—Judicial review of decision—Onus on applicant for judicial review—Attendance allowance—Applicant seeking to appeal from decision of Attendance Allowance Board—Social security commissioner refusing leave to appeal without giving reasons—Whether commissioner required to give reasons in the interests of justice—Whether court entitled to invite commissioner to state reasons in special cases—What applicant must show before court will grant judicial review—Tribunals and Inquiries (Social Security Commissioners) Order 1980, reg 2. *R v Secretary of State for Social Services, ex p Connolly* [1986] 1 998, CA.

Invalid care allowance—

Sex discrimination—

Allowance not payable to married woman living with or maintained by husband or woman living with man as husband and wife—Allowance paid to man in corresponding circumstances—Whether United Kingdom scheme of invalid care allowance outside statutory schemes referred to in European Communities directive on equal treatment for men and women in matters of social security—Whether scheme contrary to principle of equal treatment—Whether conditions in scheme constituting discrimination on grounds of sex—Social Security Act 1975, s 37(3)(a)(i)—EC Council Directive 79/7, arts 1, 3(1)(a), 4. *Drake and Chief Adjudication Officer* [1986] 3 65, CJE.

Sex discrimination—

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Social security commissioners—

Appeal from decision of commissioner on question of law—

Appeal from commissioner's refusal of leave to appeal from decision of supplementary appeal tribunal—Whether refusal of leave a 'decision' by commissioner—Whether Court of Appeal having jurisdiction to entertain appeal from commissioner's refusal of leave—Social Security Act 1980, s 14(2)—Social Security (Adjudication) Regulations 1984, regs 3(3), 9, Sch 2. *White v Chief Adjudication Officer* [1986] 2 905, CA.

SOCIAL SECURITY COMMISSIONERS

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Right of audience—

High Court. *See* Practice (Audience—Right of audience—High Court of Justice—Solicitor).

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Personal services—

Service agreement in lease—

Covenant in lease to execute service agreement—Landlord covenanting to employ resident porter to carry out specified duties—Landlord employing part-time non-resident porter—Whether landlord in breach of covenant—Whether covenant capable of being enforced by specific performance. *Posner v Scott-Lewis* [1986] 3 513, ChD.

STATUTE

Construction—

Act implementing EEC directive. *See* European Economic Community (National legislation—Construction).

STATUTORY DUTY

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Independent Broadcasting Authority—

Content of programmes—Whether breach of statutory duty by Authority indictable as criminal offence. *See* Broadcasting (Content of programmes).

STATUTORY POWER

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Duty to take care. *See* Negligence (Duty to take care—Statutory powers).

Public authority. *See* Public authority (Statutory powers).

STAY OF PROCEEDINGS

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Generally. *See* Conflict of laws (Foreign proceedings—Restraint of foreign proceedings).

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Damage to apparatus owned by statutory undertaker—

Statutory undertaker's right to recover expense of making good damage to apparatus—

Limitation of action. *See* Public utility undertaking (Limitation of action—Statutory undertaker's right to recover expense of making good damage to apparatus).

SUBSIDENCE

Coal mining activities. *See* **Coal mining** (Subsidence).

SUBSTITUTED SERVICE

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SUCCESSION

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Failure to apply for licence within time limit—Penalty—Whether penalty breaching principle of proportionality. *See* **European Economic Community** (Proportionality—Penalty).

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Generally. *See* **Magistrates** (Summary trial).

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Generally. *See* **Practice**.

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Medical practitioner. *See* **Medical practitioner** (Negligence—Surgery).

Surgeon's contract with patient—

Collateral warranty—

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Nature of contract. *See* **Contract** (Surgery—Nature of contract).

TABLE

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TAKE-OVER

Reference to Monopolies and Mergers Commission. *See* **Monopolies and mergers**.

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Capital gains tax. *See* **Capital gains tax** (Tax avoidance scheme).

Capital gains tax. *See* **Capital gains tax**.

Income tax—

Generally. *See* **Income tax**.

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TAXATION

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TEACHER

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Generally. *See* **Broadcasting**.

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Agricultural holding. *See* **Agricultural holding**.

Business premises—

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Generally. *See* **Landlord and tenant**.

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Crime. *See* **Criminal law** (Theft).

THIRD PARTY PROCEDURE

Third party notice. *See* **Practice** (Third party notice).

THIRD PARTY PROCEEDINGS

Costs—

Security for costs. *See* **Costs** (Security for costs—Third party proceedings).

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Taxation of costs. *See* **Costs** (Taxation—Time limit).

TIME (cont)

- Landlord and tenant—
 - Business premises—
 - Notice by landlord to terminate tenancy. *See* **Landlord and tenant** (Business premises—Notice by landlord to terminate tenancy—Time).
 - Rent review clause—
 - Failure to comply with time limits. *See* **Landlord and tenant** (Rent—Review—Failure to comply with time limits).
- Limitation—
 - Limitation of action. *See* **Limitation of action**.
- Patent—
 - Infringement—When time begins to run. *See* **Patent** (Infringement—Accrual of cause of action).
- Taxation of costs. *See* **Costs** (Taxation—Time limit).

TORT

- Abuse of process—
 - Actionable abuse of process—
 - Elements of tort—Abuse of process distinguished from malicious prosecution. **Speed Seal Products Ltd v Paddington** [1986] 1 91, CA.
- Limitation of action—
 - When time begins to run. *See* **Limitation of action** (When time begins to run—Actions in tort).
- Nuisance. *See* **Nuisance**.
- Procurement of breach of contract—
 - Injunction to restrain. *See* **Injunction** (Breach of contract—Procuring breach of contract).
- Trespass to the person—
 - Generally. *See* **Trespass to the person**.
 - See* **Trespass to the person**.
- Vicarious liability. *See* **Vicarious liability**.
- Wrongful interference with goods—
 - Conversion. *See* **Conversion**.

TOWN AND COUNTRY PLANNING

- Building of special architectural or historic interest—
 - Demolition, alteration or extension—
 - Offence—Offence of demolishing, altering or extending except as authorised—Whether offence of strict liability—Town and Country Planning Act 1971, s 55(1). **R v Wells Street Metropolitan Stipendiary Magistrate, ex p Westminster City Council** [1986] 3 4, QBD.
- Enforcement of planning control—
 - Civil remedy—
 - Unauthorised development—Caravan site—Development carried out without planning permission and in disregard of enforcement notices and stop orders—Planning authority not instituting criminal proceedings but seeking injunction—Whether injunction should be granted in circumstances—Whether planning authority required to exhaust criminal remedies before applying for civil remedy—Local Government Act 1972, s 222. **Runnymede BC v Ball** [1986] 1 629, CA.

TRADE

- Restraint of trade—
 - Restraint of trade by agreement. *See* **Restraint of trade by agreement**.
- Trade description. *See* **Trade description**.
- Trade mark. *See* **Trade mark**.

TRADE DESCRIPTION

- Offences due to fault of another person—
 - Liability of other person for offence—
 - Other person not acting in course of trade or business—Whether other person can properly be convicted—Trade Descriptions Act 1968, ss 1(1)(b), 23. **Olgeirsson v Kitching** [1986] 1 746, QBD.

TRADE MARK

- Mark—
 - Container—
 - Bottle—Whether distinctively shaped bottle can be registered as a trade mark—Trade Marks Act 1938. **Re Coca-Cola Co's Application** [1986] 2 274, HL.

TRADE UNION

- Funds—
 - Disposition of funds—
 - Disposition on secession from union—Union seceding from federation of merged unions—No provision in rules for seceding union to take proportion of funds with it—Whether seceding union entitled to share of funds—Trade Union and Labour Relations Act 1974, s 2(1)(b). **Burnley Nelson Rossendale & District Textile Workers' Union v Amalgamated Textile Workers' Union** [1986] 1 885, QBD.

TRAFFIC

- Road traffic. *See* **Road traffic**.

TRANSPORT

- Air—
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 - Provisions of treaty. *See* **European Economic Community** (Treaty provisions).

TRESPASS TO LAND

- Summary proceedings for possession of land—
 - Generally. *See* **Land** (Summary proceedings for possession).

TRESPASS TO THE PERSON

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Damages—

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Battery—

Ingredients of tort—

Intention—Hostility—Schoolboy injured in horseplay—Whether intention to injure essential ingredient of battery—Whether intentional act has to be hostile—What must be proved. **Wilson v Pringle** [1986] 2 440, CA.

Damages—

General damages—

Damages for rape and sexual assault—Damages to be related to awards in conventional personal injury cases. **W v Meah, D v Meah** [1986] 1 935, QBD.

TRIAL

Summary trial—

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TRIBUNAL

Foreign tribunal—

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TRINIDAD AND TOBAGO

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Emoluments from office or employment—

Basis of assessment. *See* **Income tax** (Emoluments from office or employment—Basis of assessment).

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Verdict—

Verdict announced as unanimous—Four jurors subsequently stating they had disagreed with verdict—Verdict returned in sight and hearing of all jurors without protest—Whether evidence of jurors that they had disagreed with verdict admissible on appeal—Whether trial judge required to direct jury that verdict must be unanimous. **Nanan v The State** [1986] 3 248, PC.

TRUST AND TRUSTEE

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Trustee in bankruptcy. *See* **Bankruptcy** (Trustee in bankruptcy).

Charity. *See* **Charity.**

Constructive trust—

Unmarried couple—

Principles applicable in determining beneficial interests in property—Man acquiring house in his sole name—Man telling mistress her name would not be on title deeds because of prejudice to her pending divorce proceedings—Mistress not directly contributing to purchase price or mortgage instalments—Mistress indirectly contributing to mortgage instalments by substantial contributions to housekeeping, household expenses and by bringing up children—Whether common intention that mistress was to have beneficial interest—Whether mistress acting to her detriment on basis of such common intention—Whether mistress entitled to beneficial interest in house. **Grant v Edwards** [1986] 2 426, CA.

Corporate trustee—

Bank—

Winding up of bank—Bank appointed trustee of trust funds—Funds deposited with bank as banker—Bank becoming insolvent and going into liquidation—Whether beneficiaries under trust ranking in priority to or *pari passu* with unsecured creditors. **Space Investments Ltd v Canadian Imperial Bank of Commerce Trust Co (Bahamas) Ltd** [1986] 3 75, PC.

Discretionary trust—

Income tax—

Generally. *See* **Income tax** (Settlement—Discretionary trust).

Ecclesiastical courts—

Jurisdiction—

Title to chattel—Whether ecclesiastical courts having jurisdiction to determine whether chattel mentioned in petition subject to a trust. *See* **Ecclesiastical law** (Ecclesiastical courts—Jurisdiction—Extent of jurisdiction—Chattel—Title to chattel—Trust).

Rule against perpetuities. *See* **Rule against perpetuities.**

Trust deed—

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Extrinsic evidence—Admissibility. *See* **Document** (Admissibility in evidence—Extrinsic evidence—Trust deed—Construction).

Trust for sale—

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Variation of trusts. *See* **Variation of trusts.**

TRUSTEE IN BANKRUPTCY

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TRUSTEE SAVINGS BANK

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Assets—

Transfer of bank to private ownership—Effect of transfer—Whether depositors having proprietary interest in assets over and above their contractual rights to principal and interest—Trustee Savings Banks Act 1981, ss 1(3)(a)(4), 32—Trustee Savings Banks Act 1985. **Ross v Lord Advocate, Trustee Savings Banks Central Board v Vincent** [1986] 3 79, HL.

UNDERTAKING

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Generally. *See* **Contempt of court** (Committal—Breach of undertaking).

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UNEMPLOYMENT BENEFIT

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UNFAIR DISMISSAL

Date of dismissal—

Summary dismissal—

Internal appeal procedure—Employee to be treated as being suspended without pay pending determination of appeal—Effective date of dismissal. **West Midlands Co-operative Society Ltd v Tipton** [1986] 1 513, HL.

Determination whether dismissal fair or unfair—

Appeal—

Domestic appeal—Refusal by employer to entertain domestic appeal—Dismissal inevitable on facts—Whether employer entitled to refuse to entertain domestic appeal. **West Midlands Co-operative Society Ltd v Tipton** [1986] 1 513, HL.

Reasons justifying dismissal—

Determination whether employer acted reasonably—Employer refusing to entertain employee's appeal—Whether employer acting 'reasonably or unreasonably'—Whether employer's unreasonableness after dismissal relevant—Whether dismissal unfair—Employment Protection (Consolidation) Act 1978, s 57(3). **West Midlands Co-operative Society Ltd v Tipton** [1986] 1 513, HL.

Minister of religion—

Complaint of unfair dismissal—

Whether agreement between Minister and Church a contract of service. *See* **Employment** (Contract of service—Incidents of contract—Minister of religion).

UNION

Trade union. *See* **Trade union**.

UNIVERSITY

Academic staff—

Dismissal—

Action for wrongful dismissal—Jurisdiction—Jurisdiction of court—Contract of service providing that dismissal only to be in accordance with university's charter, statutes, ordinances and regulations—Lecturer bringing action for wrongful dismissal—Lecturer alleging that dismissal wrongful because of failure to follow procedure set out in charter etc—Whether court having jurisdiction to hear action—Whether court entitled to construe charter etc—Whether construction of charter etc within exclusive jurisdiction of visitor of university. **Thomas v University of Bradford** [1986] 1 217, CA.

Grant for study—

Local authority grant—

Eligibility—Student entitled to grant from local authority for university study if ordinarily resident in United Kingdom for three years—Student to be treated as ordinarily resident if absence from United Kingdom solely due to parent's temporary employment overseas—Applicant living in Hong Kong for 13 years because her father was employed there for that period—Whether exclusive employment overseas for 13 years constituting temporary employment—Whether applicant to be treated as ordinarily resident in United Kingdom—Education Act 1962, s 1(1)—Education (Mandatory Awards) Regulations 1983, reg 5(4). **R v Lancashire CC, ex p Huddleston** [1986] 2 941, CA.

UNMARRIED COUPLE

Property—

Constructive trust. *See* **Trust and trustee** (Constructive trust—Unmarried couple).

VALUATION

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Generally. *See* **Company** (Shares—Valuation).

VALUE ADDED TAX

Information—

Commissioners' power to require information relating to supply of goods or services—

Person in possession of another person's documents—Goods and documents seized under authority of Anton Piller orders—Solicitors undertaking to court not to use documents for collateral purpose—Whether commissioners having power to require production of documents—Whether solicitors could be required to make documents available to commissioners—Whether relevant that documents may be self-incriminating—Value Added Tax Act 1983, Sch 7, para 8(2)(3). **EMI Records Ltd v Spillane** [1986] 2 1016, ChD.

VARIATION OF TRUSTS

Jurisdiction—

Persons on whose behalf court may approve variation—

Person who may become entitled to interest—May become—Remote interest—Whether person with remote interest a person who 'may become' entitled to interest—Whether member of specified class with contingent interest at date of application excluded from categories of persons on whose behalf court may approve variation—Variation of Trusts Act 1958, s 1(1)(b). **Knocker v Youle** [1986] 2 914, ChD.

VASECTOMY

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Collateral warranty—

Breach. *See* **Contract** (Warranty—Collateral warranty—Breach—Surgery—Vasectomy).

Nature of contract. *See* **Contract** (Surgery—Nature of contract—Vasectomy).

VICARIOUS LIABILITY

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Act outside scope of authority—

Act outside scope of actual or ostensible authority—Employer and employee—Act outside scope of employment—Deceit—Agent/employee's deceit—Agent deceiving third party to enter into contract with principal—Whether principal liable for agent's deception—Whether third party entitled to rescind contract. **Armagas Ltd v Mundogas SA, The Ocean Frost** [1986] 2 385, HL.

VISITORS

Prison board of visitors—

Exercise of disciplinary powers—

Generally. *See* **Prison** (Discipline—Board of visitors—Exercise of disciplinary powers).

Natural justice. *See* **Natural justice** (Prison board of visitors—Exercise of disciplinary powers).

VOLUNTARY WINDING UP

Company. *See* **Company** (Voluntary winding up).

WAGES

Generally. *See* **Employment** (Remuneration).

Loss of—

Personal injury—

Damages—Generally. *See* **Damages** (Personal injury—Loss of earnings).

WARD OF COURT

Local authority—

Child in care. *See* **Child** (Care—Local authority—Wardship proceedings).

Practice—

Secure accommodation—

Application for secure accommodation. *See* **Child** (Care—Local authority—Wardship proceedings—Secure accommodation).

Removal of ward from jurisdiction—

Generally. *See* **Minor** (Removal outside jurisdiction).

Secure accommodation—

Application for secure accommodation—

Practice. *See* **Child** (Care—Local authority—Wardship proceedings—Secure accommodation).

WAREHOUSE

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WARRANTY

Generally. *See* **Contract** (Warranty).

WEAPON

Firearm. *See* **Firearms**.

Offensive weapons. *See* **Criminal law** (Offensive weapon).

WINDING UP

Company—

Compulsory winding up. *See* **Company** (Compulsory winding up).

Generally. *See* **Company** (Winding up).

WITNESS

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Expert evidence—

Disclosure to other parties. *See* **Practice** (Evidence—Expert evidence—Disclosure to other parties).

Foreign tribunal. *See* **Evidence** (Foreign tribunal).

WOMEN

Equality of treatment—

European Economic Community. *See* **European Economic Community** (Equality of treatment of men and women).

WORK AND LABOUR

Employment—

Generally. *See* **Employment**.

WRECK

Droits of Admiralty. *See* **Admiralty** (Droits of Admiralty—Wreck).

WRIT

Extension of validity—

Action statute-barred—

Discretion to renew writ—Exceptional circumstances justifying exercise of discretion. **Austin Rover Group Ltd v Crouch Butler Savage Associates (a firm)** [1986] 3 50, CA.

Cause of action statute-barred—

Writ not served—Application for extension made after 12 months' validity had expired—Whether defendant having arguable case that he would be deprived of limitation defence if writ renewed—Whether special circumstances justifying renewal—RSC Ord 6, r 8(1)(2). **Wilkinson v Ancliff (BLT)** Ltd [1986] 3 427, CA.

Fi fa. *See* **Execution** (Writ of fi fa).

Ne exeat regno. *See* **Equity** (Ne exeat regno).

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Generally. *See* Extension of validity, *ante*.

Restitution, of—

Land—

Execution of possession order. *See* Land (Summary proceedings for possession—Execution of possession—Writ of restitution).

Service—

Generally. *See* Practice (Service).

Service on partnership—

Service by post—

Writ posted to old address but redirected by Post Office to new address—Whether writ ‘sent’ to partnership’s ‘principal place of business’—Whether writ validly served on partnership—RSC Ord 10, r 1(2), Ord 81, r 3(1). *Austin Rover Group Ltd v Grouch Butler Savage Associates (a firm)* [1986] 3 50, CA.

Service out of the jurisdiction—

Generally. *See* Practice (Service out of the jurisdiction).

WRITTEN STATEMENT

Evidence in criminal proceedings. *See* Criminal evidence (Written statement).

WRONGFUL DISMISSAL

Academic staff—

University. *See* University (Academic staff—Dismissal—Action for wrongful dismissal).

WRONGFUL INTERFERENCE WITH GOODS

Conversion. *See* Conversion.



